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Exhibit A

**(PR)**

Curriculum Vitae of  
John D. Shields, Ph.D., ABPP

**JOHN D. SHIELDS, PH.D., ABPP**

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CLINICAL & FORENSIC PSYCHOLOGY  
DIPLOMATE, FORENSIC PSYCHOLOGY

LICENSED PSYCHOLOGIST PSY 13804

235 MONTGOMERY ST., SUITE 1020  
SAN FRANCISCO, CA 94104

DIPLOMATE, AMERICAN BOARD OF PROFESSIONAL PSYCHOLOGY  
FELLOW, AMERICAN ACADEMY OF FORENSIC PSYCHOLOGY

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**Updated:** October 2005

**E-mail:** jdpshields@sbcglobal.net

**Education:**

1989-1992	California School of Professional Psychology, Alameda, California Ph.D., Clinical Psychology (American Psychological Association full accreditation)
1987-1989	California School of Professional Psychology, Alameda, California M.A., Clinical Psychology (American Psychological Association full accreditation)
1986-1987	Ohio State University, Columbus, Ohio Clinical Child Psychology
1985-1986	Ohio State University, Columbus, Ohio M.A., Education Special Education Emphasis Area
1980-1985	University of California, Los Angeles, Los Angeles, California B.S., Psychobiology (Department of Psychology Highest Honors)

**Professional License & Board Certifications:**

California Board of Psychology  
License: Psychologist  
License No.: PSY 13804  
Issued: 3 March 1994

American Board of Professional Psychology  
Diplomate, in Forensic Psychology  
Issued: April 2003

**Hospital Privileges/Affiliation:**

1997-present	California Medical Facility, California Department of Corrections Vacaville, California Staff psychologist, Medical staff privileges
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**Hospital Privileges/Affiliation (Continued):**

1994-1999 Mt. Zion Medical Center of the University of California at San Francisco  
San Francisco, California  
Department of Psychiatry  
Consulting supervisor: psychotherapy &  
psychodiagnostic assessment

1994-1999 Mt. Zion Medical Center of the University of California at San Francisco  
San Francisco, California  
Department of Psychiatry  
Associate Medical Staff, privileges

**Professional Organization & Society Memberships:**

American Academy of Forensic Psychology  
Fellow [since 2003]

American Board of Forensic Psychology  
Diplomate [since 2003]  
\*Forensic Diplomate Oral Examination, Examiner [since 2005]

American Board of Professional Psychology  
Diplomate, Forensic Psychology [since 2003]

American Psychological Association [since 1993]  
American Psychology-Law Society (Division 41)  
Division of Psychoanalysis (Division 39)

Association for Conflict Resolution [since 2004]  
Family Section  
Court Section

Association of Family & Conciliation Courts [since 2005]  
AFCC, California Chapter

Psi Chi National Honors Society in Psychology [since 1985]

Society for Personality Assessment [since 1996]

**Professional Work & Clinical Experience:**

1994-present Clinical Psychologist, private practice  
San Francisco, California

Forensic Psychology; civil, juvenile and criminal evaluations and consultation to prosecution, plaintiff and defense counsel on psychological matters relevant to legal proceedings; consultation regarding evaluation of psychiatric and psychological testimony used in civil litigation and criminal and juvenile proceedings. Panel evaluator for independent and court-appointed psychological evaluations.

Psychotherapy of adolescents and adults; psychological testing and assessment of children, adolescents, and adults.

Consultation in both clinical and forensic matters related to child development, early childhood, adolescents, and adults. Consultation to attorneys regarding psychotherapy, psychological assessment, professional ethics, and psycho-legal matters related to practice and evaluation.

**Professional Work & Clinical Experience (Continued):**

1996-present California Department of Corrections, California Medical Facility  
Vacaville, California  
Staff Psychologist, part-time  
The California Medical Facility (CMF) is a state prison primarily for inmates who have significant psychiatric and/or medical conditions that warrant specialized attention and care during incarceration. This position involves providing individual and group treatment as well as psychological assessment of incarcerated inmates, many of whom having significant psychiatric and criminal histories. This position is on the unit for HIV-positive inmates. Inmates at CMF have a broad spectrum of psychopathology; from adjustment disorders related to incarceration and chronic illness, to severe psychopathology [including the major affective disorders and the entire psychotic spectrum], as well as severe character pathology. In-patient treatment for severely and acutely mentally ill inmates is arranged with the Dept. of Mental Health, both at CMF and Atascadero State Hospital.

Special Assignments:  
Nov. 1997: Quality Improvement Team, member  
Dec. 1997: Quality Assurance Council, representative  
Feb. 1998-Nov. 1999: Unit IV Suicide Prevention Coordinator  
Jul. 2000-Apr. 2002: Medical Staff Bio-Ethics Committee  
Nov. 2002-Apr. 2004: Facilitator/Presenter of weekly assessment and clinical case conference  
Nov. 2002-Nov. 2004: Psychological Assessment & Forensic Issues Consultant; Board of Prison Terms evaluations  
Sept. 2005-present: Mental Health [MHSDS] Intake Evaluations; Board of Prison Terms evaluations

**Current Forensic Psychology Practice/Panels:****Court Panels:**

1996- present San Francisco City & County, Superior Court  
Criminal Court Division, Alienist Panel

1994- present San Francisco City & County, Superior Court  
Juvenile Court Division, Delinquency Panel  
panel evaluator

1995-present Contra Costa County, Superior Court  
Criminal Court Division,  
panel evaluator

1996-present Sacramento County, Superior Court  
Criminal & Juvenile Court Division,  
panel evaluator

**Court Panels (Continued):**

- |              |  |
|--------------|--|
| 1996-present | Alameda County, Superior Court<br>Criminal & Juvenile Court Division,<br>panel evaluator |
| 2001-present | Marin County, Superior Court<br>Criminal & Juvenile Court Division,<br>panel evaluator   |

**Past Professional Work & Clinical Experience:**

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|------------|--|
| 1994- 1999 | <p>Mt. Zion Medical Center of the University of California at San Francisco, San Francisco, California<br/>Clinical Supervising Consultant, Department of Psychiatry<br/>Mt. Zion Medical Center psychotherapy clinic is an outpatient facility for the diagnosis and treatment of children and adults, and a psychoanalytically oriented training center. This position includes providing supervision and consultation to both pre- and post-doctoral level interns on individual psychotherapy and psychological assessment.</p>  |
| 1994- 1995 | <p>Forensic Health Care, Inc.<br/>California Forensic Assessment Project<br/>San Francisco, California<br/>panel evaluator</p> <p>This position involved conducting psychological testing and assessment in a forensic setting, and offering consultation on treatment planning and interventions. Most patients evaluated were in one of the following categories: not guilty by reason of insanity (1026 PC), incompetent to stand trial (1370 PC), mentally disordered offender (2962 PC), or mentally disordered sex offender (6313 WC). Forensic Health Care, Inc. is contracted with the Forensic Services Branch of the California Department of Mental Health, State Hospitals Division, to provide psychological evaluation and consultation to statewide Conditional Release Programs.</p> <p>Douglas R. Korpi, Ph.D.-Project Director<br/>Phillip Erdberg, Ph.D.-Chief Project Consultant</p> |
| 1994- 1995 | <p>Orinda Psychology Group<br/>Orinda, California<br/>Clinical Psychologist</p> <p>Private practice; psychotherapy of children, adolescents, adults and families; psychological assessment; psychoeducational testing; child custody evaluation; California Dept. of Social Services consultative evaluations and psychological assessments for disability qualification.</p>  |

**Past Professional Work & Clinical Experience (Continued):**

- 1994-1995 California Institute of Psychology  
San Francisco, California  
Clinical Psychologist  
Private practice; psychotherapy and psychological assessment of children, adolescents, and adults.  
Forensic psychological consultation and evaluations of children and adults.
- 1993-1994 California Institute of Psychology  
San Francisco, California  
Registered Psychological Assistant (PSB 21250)  
Psychoanalytic psychotherapy, psychological assessment, consultation  
Supervisor: John F. Fielder, Ph.D. (PSY 6375)
- 1990- 1994 Orinda Psychology Group  
Orinda, California  
Registered Psychological Assistant (CA Reg. No. PSB 16989)  
Private practice; treating children, adolescents, adults and families; psychological assessment; psychoeducational testing; child custody evaluation.  
Supervisor: Alf Johnson, Ph.D. (PSY 9531)
- 1992-1993 Registered Psychological Assistant (CA Reg. No. PSB 19747)  
San Jose, California  
Private practice; treating children, adolescents, adults and families, and psychological assessment including disability evaluations.  
Supervisor: Martin Diner, Ph.D. (PSY 6665)
- 1990-1992 West Coast Children's Center, Albany, California (CA Reg. No. PSB 18755)  
Contract Staff, Psychological Testing & Diagnostic Assessment  
Psychological evaluation and assessment of children, adolescents, adults, and families  
Supervisor: Barbara Mercer, Ph.D. (PSY 7356)
- 1989 -1990 University of California, San Francisco, Adolescent & Family Project  
Research Assistant  
The Adolescent & Families Project was a clinical research project that tested the relative effectiveness of three forms of treatment for adolescent substance abusers: Group Therapy, Family Therapy, and Multi-Family Treatment. This position included conducting clinical intake interviews, and determining suitability for treatment. This position also included conducting data gathering assessment sessions, administering questionnaires, conducting interviews, and administering videotaped family interviews.
- 1988-1989 Mid-Peninsula Support Network, Mountain View, California  
Coordinator of Men's Services  
This position included conducting individual and group psychotherapeutic counseling for male batterers. Public education, in-service training, and consultation with the legal justice system were also part of this position.

**Past Professional Work & Clinical Experience (Continued):**

- 1987-1988 United Methodist Children's Home, Worthington, Ohio  
Child Care Worker  
This position included treatment of delinquent adolescents in a residential treatment facility. The Positive Peer Culture (PPC) was the treatment modality of choice.
- 1986-1987 Project PASSAGE, Inc., Columbus, Ohio  
Clinical Counselor  
As a group facilitator, this position included both adolescent counseling, and parent counseling responsibilities. Groups were arranged for adolescents having problems in the home, school, or community, as well as for juvenile offenders who had committed serious crimes.
- 1986-1987 Ohio State University, Columbus, Ohio  
Graduate Research Associate  
This position allowed for teaching and program development in special education classrooms and training facilities throughout Columbus, Ohio.
- 1986-1987 Children's Hospital Learning Disabilities Clinic, Columbus, Ohio  
Educational Consultant  
This position focused on working with students with learning disabilities and their parents in a clinical setting. School visits were also germane to this position, and allowed for working with all school personnel to develop academic and behavioral programming for learning disabled students.
- 1981-1982 San Bernadino County School District, San Bernadino, California  
Special Education Teaching Aide  
This position involved behavioral programming for severely emotionally disturbed students in a Special Education classroom setting.

**Clinical Training Experience:**

Sept. 1991- Aug. 1993\*

Mt. Zion Medical Center of the University of California at  
San Francisco, San Francisco, California  
Intern, Department of Psychiatry

\*- Post-Doctoral Intern, May 1992-Aug. 1993

Mt. Zion Medical Center psychotherapy clinic is an outpatient facility for the diagnosis and treatment of children and adults, and a psychoanalytically oriented training center. The Department of Psychiatry also provided inpatient care for adults. Treatment and training was psychoanalytic, with emphasis on theory and technique of psychoanalytic psychotherapy, psychoanalysis and child psychotherapy. In this post-doctoral training internship, both long and short term psychoanalytic psychotherapy was provided to primarily adult patients with some child cases. Patients ranged from neurotically disordered to psychotic spectrum and characterological disorders.

Clinical Supervisors: Julie Friend, LCSW

Private Practice, Berkeley, CA

Melvyn Schupack, MD

Supervising & Training Analyst

San Francisco Psychoanalytic

Institute, San Francisco, CA

Jess Ghannam, Ph.D.

Mt. Zion Department of Psychiatry

Director, Out-patient Psychiatry

Sept. 1990-Aug. 1991

The Redwood Center, Berkeley, California

This internship provided both psychodynamic and family systems treatment to families, couples, and individual adult patients. Family therapy was provided both from a systemic and object relations orientation, with live supervision of family cases. Individual treatment of adult patients with neurotic or character disorders was informed by both psychodynamic and systemic perspectives.

Clinical Supervisors: Rick Maisel, MFCC

Karen Seager, Ph.D.

Sept. 1989-Aug. 1990

West Coast Children's Center, Albany, California

This internship provided psychoanalytic/psychodynamic oriented psychotherapy to children from pre-school through adolescence. Educational components included early child development, infant and toddler assessment, development of attachment, and cognitive development. Treatment was primarily individual, long-term, or family therapy. Patients presenting problems ranged from neurotic disorders to more severe characterological disorders, conduct disorders, thought disorders, and often with histories of physical and/or sexual abuse. As part of the assessment team, my position also included conducting psychodiagnostic assessments and evaluations of young children, adolescents, and adults. Supervision was psychoanalytic, and informed by Jungian theory with an emphasis on sand play.

Clinical Supervisor: Suzy Spradlin, Ph.D.

**Clinical Training Experience (Continued):**

Jan. 1989-Feb. 1990

Richmond YMCA Mental Health Services, Richmond, California  
This practicum included individual and family therapy to adolescents and families identified by the Richmond School District. The treatment orientation was psychodynamic, and psychoanalytic. This practicum was chosen from 400 internship programs and given the American Medical Association's Adolescent Health Congress Award, Outstanding Internship Training Program Award for 1989-90.  
Clinical Supervisor: Yvette Guerrero, Ph.D.  
Adjunctive Supervisor: Alf Johnson, Ph.D.

Sept. 1988-Jan. 1989

Mid-Peninsula Support Network, Mountain View, California  
This position included conducting individual and group psychotherapeutic counseling for male batterers. Training and clinical experience was in adult psychotherapy, with emphasis on diagnostic treatment planning and consulting with adjunctive services. Many referrals were court ordered and presented dangerous and violent behavior.  
Clinical Supervisor: Alexandra Gotsch, MFCC

Mar. 1984- Jun. 1985

Neuropsychiatric Institute, University of California at Los Angeles, Los Angeles, California  
This position was in the inpatient school of the Neuropsychiatric Institute, Division of Early Childhood. Treatment was both educational and behavioral taking place in an academic setting. The children in this setting were long-term inpatients with severe psychopathology. Student clinicians were part of a treatment team working in conjunction with the Department of Psychiatry staff on treatment planning, case management, and academics for child patients.  
Supervisor: Ellen Ritchey, M.A.

Mar. 1981- Sept. 1981

Developmental Disabilities Immersion Program, University of California at Los Angeles, Los Angeles, California  
This was a full time training program and provided clinical, dydactic, and research training in both theory and practice in working with mentally retarded and developmentally disabled individuals. The program was based at Pacific State Hospital, San Bernadino County, California, and was sponsored by the Department of Psychiatry of the UCLA School of Medicine. Clinical training involved working with a wide range of both mentally retarded children and adults many of whom were severely retarded and institutionalized. Clinical experience was based in a state hospital setting as well as in sheltered workshops and classrooms. Classroom experience and consultation was provided for children and adults with a wide range of disabilities, and with various degrees of mental retardation.

**Clinical Training Experience (Continued):**

Sept. 1980- Jun. 1985

Department of Pediatrics Child Development Program, University of California at Los Angeles, Los Angeles, California

This position was one of volunteer work with the Child Development Program which worked within the inpatient division of the Department of Pediatrics. The clinical work was exclusively play therapy with hospitalized children. My interests and work centered around children with chronic and terminal illness and their families, primarily children with cancer and cystic fibrosis. The work was both play therapy and educational in preparing children for invasive treatment procedures.

Supervisors: Brian Fallgren, M.A., & Sue Clark, M.A.

**Publications:**

- Shields, J. D. (1996). Hostage of the fee: Meanings of money and countertransference issues of a beginning therapist. *Psychoanalytic Psychotherapy*, 10(3), 233-250.
- Shields, J. D., & Green, R. J. (1996). "POETICS." : A systems approach to solving behavior problems in the classroom. *Elementary School Guidance & Counseling*, 30(3), 181-193.
- Shields, J. D., Green, R. J., Cooper, B., & Ditton, P. (1995). The impact of adults' communication clarity versus communication deviance on adolescents with learning disabilities. *Journal of Learning Disabilities*, 28(6), 372-384.
- Shields, J. D., Heron, T. E., Rubenstein, C., & Katz, E. R. (1995). The eco-triadic model of educational consultation for students with cancer. *Education and Treatment of Children*, 18 (2), 184-200.
- Shields, J. M., Abrams, P., & Siegel, S. (1985). An alternative health care setting for children with cancer: A residential summer camp. *Children's Health Care*, 13, 135-138.
- Shields, J. M., & Garcia, C. E. (1981). Unexplained arteriosclerosis in mentally retarded children. *Pacific State Archives*, 6, 91-100.
- Shields, J. M., & Heron, T. E., (1989). Teaching organizational skills to students with learning disabilities. *Teaching Exceptional Children*, 21, 8-13.
- Reprinted in: (1990). Teaching organizational skills to students with learning disabilities. In K. Freiberg (Ed.) *Educating Exceptional Children*, (5th ed.), (pp. 72-75). Guilford, CT: The Dushkin Publishing Group, Inc.
- Reprinted in: (1992). Teaching organizational skills to students with learning disabilities. In K. Freiberg (Ed.) *Educating Exceptional Children* (6th ed.), (pp. 72-75). Guilford, CT: The Dushkin Publishing Group, Inc.
- Shields, J. M., & Johnson, A. C. (1992). Collision of law and ethics: Consent for treatment with adolescents. *Bulletin of the American Academy of Psychiatry and the Law*, 20 (3), 309-323.

**Submitted or In Preparation for Publication:**

none at present

**Unpublished Manuscripts:**

- Shields, J. M. (1987). An overview of the implications of sexual abuse of children and implications of interface with the legal justice system. Unpublished manuscript, filed with the library of The Domestic Violence Institute of the Psychological Services Center, Berkeley, California.
- Shields, J. M., Dudley, J. P., Fuller, M. L., Kucia, J., & Bulinski, J. C. (1987). Effects of sera from cystic fibrosis heterozygotes on mucociliary activity and secretion in ciliated epithelia.

**Presentations & Trainings:**

- Shields, J. D., "Forensic Psychological Consultation." Presentation to the Mental Health Services Delivery System staff & interns, California Department of Corrections, California Medical Facility, Vacaville, CA, 2 Feb. 2005.
- Shields, J. D., "Forensic Evaluation of Juveniles: Juvenile Trial Competency & Competency to Waive Miranda Rights," Invited guest lecture, University of San Francisco School of Law, San Francisco, CA, 20 Nov. 2003.
- Shields, J. D. "St. Peter & the Vampire: Forensic Psychological Assessment, Exotic Behavior and Exotic Pathology." Clinical Case Presentation, California Department of Corrections, California Medical Facility, Vacaville, CA. 31 Oct. & 7 Nov. 2002.
- Shields, J. D. "A Tale of Two Cities: Distortion on the MMPI-2 in a Correctional Setting." Clinical Case Presentation, California Department of Corrections, California Medical Facility, Vacaville, CA. 3 Oct. 2002.
- Shields, J.D. "Juvenile Fitness (W&I 707) Evaluations: The Role of the Forensic Psychologist." San Francisco Juvenile Public Defenders Office, San Francisco, CA. 1 June 2001.
- Shields, J. D. "Assessment of Psychopathology in a Correctional Setting: Malingering and its Clinical Presentation." American College of Forensic Psychology, 16<sup>th</sup> Annual Symposium, Newport Beach, CA, 9 Apr. 2000.
- Shields, J. D. "Barjona: Divine 'Assistance,' or a Logical Fallacy in a Malingered Symptom of Psychosis." Clinical Case Presentation, California Department of Corrections, California Medical Facility, Vacaville, CA. 16 & 23 Mar. 2000.
- Shields, J. D. "Simulation/Dissimulation of Psychopathology in a Correctional Setting: Malingering & Factitious Conditions and their Clinical Presentation." Presentation to the Medical Staff, California Department of Corrections, California Medical Facility, Vacaville, CA. 2 Nov. 1999. [Approved for 1.0 hr. of CME credit for physicians].
- Shields, J.D. & Zatopa, M. "Comprehensive and Interdisciplinary Juvenile Justice Training: Understanding Educational Issues in the Juvenile Justice System-Special Education." Sponsored by the John D. & Catherine T. MacArthur Foundation, directed by The Youth Law Center. Oakland, California, 3 March 1999. [Approved by the State Bar for 3.0 hrs. of MCLE credit for attorneys].
- Shields, J.D. "Special Education: For Minors Before the Court, What's So Special?" San Francisco Juvenile Public Defenders, Juvenile Probation, and Juvenile District Attorneys. San Francisco, California, 26 January 1999. [Approved by the State Bar for 1.0 hr. of MCLE credit for attorneys].
- Shields, J.D. "The Rat-man Reconsidered: Legal and Ethical Issues and Selected Topics." The Psychotherapy Institute, Berkeley, California, 17 & 24 September 1997.

**Presentations & Trainings (Continued):**

- Shields, J.D. "Law and Ethics for Mental Health Professionals: Selected Topics." The Psychotherapy Institute, Berkeley, California, 18 & 25 September 1996.
- Shields, J. D. "Parental depression: Detecting it in your clients and its impact on children." Office of the Public Defender-Juvenile Division, Dependency Court Attorneys, San Francisco, California, 26 January 1996.
- Shields, J. D. "Hostage of the fee: Meanings of money, countertransference, and the beginning therapist." American Psychological Association's Division of Psychoanalysis Spring Meeting 1995, Loews Santa Monica Beach Hotel, Santa Monica, California, 25-30 April 1995.
- Shields, J. D. "Fees and the meanings of money in psychotherapy: Values, ethics, and clinical issues." Bay Area Psychotherapy Training Institute, Lafayette, California, 18 April 1995.
- Shields, J. D. "The special case of special education: Education law and the rights of minors with identified special educational needs." Office of the Public Defender-Juvenile Division, Delinquency Court Attorneys, San Francisco, California, 23 March 1995.
- Shields, J. D. "The dreams of children: Theoretical aspects and their use in clinical practice." A seminar given at New Perspectives, San Rafael, California, 9 December 1993.
- Shields, J. M., & Johnson, A. "Collision of law and ethics: Consent for treatment of adolescents." California State Psychological Association (in conjunction with the American Psychological Association's Division of Clinical Psychology) Annual Convention, 1-4 March 1990, San Francisco, California.
- Shields, J. M., & Heron, T. E. "Teaching organizational skills to students with learning disabilities: A key component for successful programming," International Conference on Learning Disabilities, Louisville, Kentucky, 14 October, 1988.
- Shields, J. M. "Men who batter women: Who they are, and why they do it," MPD Lecture Series, Medical Grand Rounds, Veteran's Administration Hospital, Menlo Park, California, 29 April, 1988.
- Shields, J. M. "The male batterer: Psychodynamics and implications for treatment," guest lecturer at Foothill College, Los Altos, California, 16 February 1988.
- Dudley, J. P., Miles, D. D., & Shields, J. M. "Effect of penicillin and oxocillin on adherence to tracheal and pharyngeal mucosa of *Pseudomonas aeruginosa*, *Neisseria species*, and *Staphylococcus aureus*." Association for Research in Otolaryngology, Annual Meeting, Anaheim, California, 22 October 1983.

**Research Grants:**

- National Cystic Fibrosis Foundation Research Grant Award #H027 4-01. Effect of cystic fibrosis serum on cilia, 23 February 1983, J. M. Shields principle investigator.
- UCLA Undergraduate Research Fellowship Grant. Quantifying mucus secretions induced by cystic fibrosis heterozygote and control serum on ciliated epithelia, 31 May 1983, J. M. Shields principle investigator.

**Other Work/Volunteer Experiences:**

2005-present	Center for Human Development, Conflict Resolution Panels Pleasant Hill, California community mediation, small claims court mediation, probate court guardianship mediation, restraining order/harassment mediation
1986-1987	Ohio Council for Learning Disabilities, Executive Board
1980-1985	UCLA Department of Pediatrics, Child Development Program
1980-1985	UCLA Department of Surgery, Research Technician
1983-1985	UCLA Department of Pediatrics, Research Technician
1983-1985	Southern California Children's Cancer Service Summer Camp Committee
1982-1984	Southern California Children's Cancer Service, Summer Camp
1982-1984	Cystic Fibrosis Camp of Southern California
1984	Southern California Children's Cancer Service Psychosocial Advisory Board
1984	UCLA Neuropsychiatric Institute Special Education, Division of Early Childhood
1982	Cystic Fibrosis Foundation Council for Fund Raising Council for Public Education

**Teaching Certificates:**

1986	Education, Special Education K-12, Franklin County, Ohio Developmental Handicaps Multiple, Severe, & Profoundly Retarded
1986	Severe Behaviorally Handicapped & Learning Disabled (Temporary), Franklin County, Ohio

**Honors:**

1985	UCLA Alumni Association, Outstanding Senior Student  UCLA Department of Psychology, Highest Academic Honors  UCLA Chancellor's Marshall Award for Outstanding Scholarship & Service  UCLA Center for the Health Sciences, Outstanding Volunteer Scholarship
1984	UCLA Undergraduate Presidential, Research Fellowship Award  UCLA Center for the Health Sciences, Rehabilitation Service Guild Scholarship Award

**Honors (Continued):**

- 1983 National Cystic Fibrosis Foundation, Student Traineeship Research Award  
UCLA Center for the Health Sciences, Outstanding Volunteer Scholarship
- 1982 Psi Chi National Honors In Psychology  
UCLA Center for the Health Sciences, Outstanding Volunteer Scholarship

**Research Experience:**

- 1990-1992 Doctoral dissertation: The effects of adults' communication clarity versus deviance on the cognitive performance of learning disabled adolescents.  
Chair: Robert J. Green, Ph.D.
- 1989-1990 University of California, San Francisco, Adolescent & Family Project  
Research Assistant  
The Adolescent & Families Project was a clinical research project that tests the relative effectiveness of three forms of treatment for adolescent substance abusers: Group Therapy, Family Therapy, and Multi-Family Treatment.
- 1988-1989 Using the Rorschach to assess communication deviance in parents of schizophrenics and parents of learning disabled individuals,  
California School of Professional Psychology, Alameda, California
- 1986-1987 Rescoring of the Rosenzweig Picture-Frustration Test, Ohio State University
- 1985-1986 Models of Educational Consultation, Ohio State University
- 1980-1985 Serology of Cystic Fibrosis Heterozygotes, Univ. of Calif., Los Angeles
- 1980-1983 Bacterial Adherence, Univ. of Calif., Los Angeles

**Research Interests:**

forensic criminal and juvenile evaluation and intervention, risk and resiliency factors in children and adolescents, psychotherapy ethics and law, child development, childhood chronic illness, personality and psychodiagnostic assessment, educational consultation, learning disabilities and parental communication

**Professional Training:**

- "Child Abuse Prevention Workshop", California School of Professional Psychology, 16-17 April 1988
- "Human Sexuality & Treatment of Sexual Disorders", California School of Professional Psychology, 8-9 October 1988
- "Addictions in the 90's: Treatment of Substance Abuse", California School of Professional Psychology, 28-29 January 1989

**Professional Training (Continued):**

**Psychological Testing & Assessment Courses & Training:**

General Psychological Assessment, Ohio State University, Oct.-Dec., 1986, 3 hrs. per week  
 Projective Assessment of Children, Ohio State University, Jan.-Mar., 1987, 3 hrs. per week  
 Intelligence Testing Practicum, California School of Professional Psychology,  
 Jan.-May, 1988, 3 hrs. per week  
 Psychological Assessment I, California School of Professional Psychology,  
 Sept.-Dec., 1988, 4 hrs. per week  
 Psychological Assessment II, California School of Professional Psychology,  
 Jan.-May, 1989, 4 hrs. per week  
 West Coast Children's Center, Albany, California; Psychological Assessment Team, 1989-90  
 Psychodiagnostic assessment & evaluation of children and adolescents  
 Training and supervision: Barbara Mercer, Ph.D.  
 West Coast Children's Center, Albany, California; Psychological Assessment Team, 1990-1992  
 Psychodiagnostic assessment & evaluation of children and adolescents  
 Contract Staff position

1994- 1995      Psychoanalytic Continuous Case Conference  
 This is an ongoing case conference for practicing clinicians. The focus is on  
 following psychoanalytic cases and discussing both relevant theory and  
 technique, from a psychoanalytic perspective.  
 Conference Facilitator: J. Samuel Chase, M.D.  
 Supervising & Training Analyst  
 San Francisco Psychoanalytic Institute, San Francisco, California

1994              Forensic Assessment of Juvenile Delinquents-private consultation  
 This training provided consultation and supervision on the assessment of  
 juvenile delinquents referred for psychological evaluation by the San Francisco  
 Juvenile Probation Office, and as ordered by the Superior Court.  
 Consultation provided by Douglas R. Korpi, Ph.D.

**Continuing Education/Professional Meetings:**

**Psychotherapy & Psychoanalysis: Theory & Technique**

"Understanding Hallucinations and Delusions: Issues in Assessment," A symposium, San Francisco  
 Psychological Association, University of California, San Francisco, San Francisco, California, 21  
 November 1992. (CA Psych. Assoc. CE category-A, 3 hrs.)

"Dream Interpretation in Psychoanalytic Psychotherapy," Extension Division Seminar, San Francisco  
 Psychoanalytic Institute, San Francisco, California, April-May 1993. Instructor: Steven Goldberg,  
 MD, Member, San Francisco Psychoanalytic Institute, Asst. Clinical Professor, University of  
 California, San Francisco. 16 hrs.

**Psychological Testing & Assessment (SEE also "Forensic Evaluation" below)**

"Psychological Assessment for Disability Evaluation," Disability Evaluation Division, Oakland Branch,  
 Oakland, California, 25 February 1993. (2 hrs.)

"Advanced Assessment of Risk Utilizing Rorschach & MMPI-2 Data," presented by Phil Erdberg,  
 Ph.D., Federal Reserve Bank Bldg., San Francisco, California, sponsored by California Forensic  
 Mental Health, 26 June 1995. (MCEP 6.25 hrs.)

"Rorschach Assessment of DSM-IV Personality Disorders," presented by Phil Erdberg, Ph.D. & Reid  
 Meloy, Ph.D., Marina Marriott, Berkeley, California, 3 & 4 May 1996. (MCEP 14 hrs.)

**Continuing Education/Professional Meetings (Continued):**

**Psychological Testing & Assessment (SEE also "Forensic Evaluation" below)**

"Adult Cognitive Assessment: Wechsler Adult Intelligence Scales-III (WAIS-III) & the Wechsler Memory Scale-III (WMS-III), sponsored by the California Psychological Association, Conference Center, South San Francisco, 27 Sept. 1997. (MCEP 7hrs.)

**Legal: Law & Mental Health/ Legal & Ethical Issues**

"Clinical Work with Children and Families: Legal and Ethical Considerations," presented by Daniel O. Taube, Ph.D., J.D., West Coast Children's Center, El Cerrito, CA, 6 & 13 May 1995. (MCEP 6 hrs.)

"Task Force to Review Juvenile Crime and the Juvenile Justice Response: Transfer of Knowledge Workshop," San Jose, CA, 17-18 August 1995.

"Ethical Issues in Forensic Psychology," presented by Alan M. Goldstein, Ph.D., conference of the American Academy of Forensic Psychology, Long Beach, CA, 15 January 2003. (MCEP 7 hrs.)

"Excusing and the New Excuses, [Sanity, Insanity and Related Criminal Defenses & Prosecution Issues]," presented by Stephen Morse, J. D., Ph.D., conference of the American Academy of Forensic Psychology, Long Beach, CA, 16 January 2003. (MCEP 7 hrs.)

"Laws & Ethics Update," presented by A. Steven Frankel, Ph.D., J.D., ABPP, Psycho-Legal Associates, Inc., Sacramento, CA 20 February 2004 (MCEP 6 hrs.)

**Mediation/Dispute Resolution/Divorce-Child Custody/Special Master-Family Court**

[Courses fulfilling requirements of California Family Code Secs. 1816 (Domestic Violence training), 3110.5 (Child Custody evaluator); & California Rules of Court Secs. 5.210 (Child Custody mediation), 5.220, 5.225 (Child Custody evaluator training), 5.230]

**ca[Total Hours of Mediation Training: 136 hrs. as of Mar. 2005]**

"Child Custody Evaluation & Mediation," California School of Professional Psychology, Sep.-Dec., 1990, 2 hrs. per week (32 hrs.)

"Mediation in a Medical Setting: Bioethics & Mediation Training," by Robert J. Wagener, President, The Center for Medical Ethics and Mediation, Solano State Prison, Vacaville, CA, 25-27 Oct. 2000. (15 hrs.)

"Divorce Mediation," [including child custody & domestic violence] by Nancy J. Foster, J.D., & Jessica Notini, J.D., Northern California Mediation Center, Greenbrae, CA, 7-8 Oct. 2004 (16 hrs.)

"Mediation Training," [corporate, interpersonal dispute, divorce, & custody mediation] by Steven Rosenberg, J.D., Mill Valley, CA, 13-22 Oct. 2004 (MCEP/MCLE 40 hrs.)

"Conflict Resolution Training," [Community Mediator certification course] Center for Human Development, Pleasant Hill, CA 19-29 Jan. 2005 (25 hrs.)

"Conflict Resolution Advanced Training: Guardianship Mediation & Small Claims Court Mediation," Center for Human Development, Pleasant Hill, CA 31 Jan. 2005 (5 hrs.)

"Conflict Resolution Advanced Training: Civil Harassment & Restraining Order Mediation," Center for Human Development, Pleasant Hill, CA 4 Feb. 2005 (3 hrs.)

"Comprehensive Child Custody Evaluations," [case law, statutes, practice guidelines, child abuse, domestic violence, parental alienation] by Steven N. Sparta, Ph.D., American Academy of Forensic Psychology Workshop, La Jolla, CA, 4 Mar. 2005 (MCEP 8 hrs.)

**Continuing Education/Professional Meetings (Continued):**

**Mediation/Dispute Resolution/Divorce-Child Custody/Special Master-Family Court**

[Courses fulfilling requirements of California Family Code Secs. 1816 (Domestic Violence training), 3110.5 (Child Custody evaluator); & California Rules of Court Secs. 5.210 (Child Custody mediation), 5.220, 5.225 (Child Custody evaluator training), 5.230] (Continued):

**SEE ALSO:**

"Domestic Violence: Assessment & Treatment [of victims, perpetrators, and impact on children]," under the "General Psychology" heading

**Forensic Psychology & Forensic Evaluation**

"Forensic Assessment of Risk of Violence and Psychological Decompensation Using the Rorschach and MMPI-II," presented by Phil Erdberg, Ph.D., Federal Reserve Bank, San Francisco, California, 27 May 1994. 7 hrs.

"Risk Assessment: Implications for Evaluation, Intervention and Decision-Making," presented by Kirk S. Heilbrun, Ph.D., conference of the American Academy of Forensic Psychology, San Deigo, CA, 19-21 January 1995. 6 hrs.

"Diagnostic & Structured Interviewing: Applications to Forensic Evaluations," presented by Richard Rogers, Ph.D., conference of the American Academy of Forensic Psychology, San Deigo, CA, 19-21 January 1995. 6 hrs.

"The Psychologist in the Legal System," presented by Arthur D. Williams, Ph.D. and Pamela A. Thatcher, J.D., Holiday Inn, San Francisco, CA, 21 Oct. 1995. (MCEP 6 hrs.)

"Forensic Mental Health Symposium," sponsored by the Forensic Mental Health Association of California. Topics included: "Quality Control with Psychological Assessments of Violence Potential and of Mentally Disordered Offenders," "Predictors of Recidivistic Violence in the Criminally Insane" (MCEP 1 hr.), "Assessment and Treatment of Women who Murder their Children," and "Adolescent Sexual Abuse Perpetrators: Assessment, Placement, and Treatment." San Francisco State University Downtown Center, San Francisco, CA, 3 Nov. 1995. (6 hrs. total; MCEP 1 hr.)

"Rorschach Use in Assessing Potential Violence Among Mentally Disordered Offenders and Insanity Aqutees: Personality Disorders & Sex Offenders," presented by Phil Erdberg, Ph.D., Federal Reserve Bank, San Francisco, California, 19 July 1996. (MCEP 6 hrs.)

"Evaluating Sex Offenders," presented by Gary Zinik, Ph.D., 2nd Annual Mental Health Symposium, San Francisco State University Downtown Center, San Francisco, CA, 25 Oct. 1996. (MCEP 2.0 hrs.)

"Psychological Assessments of Sexually Violent Predators (SVP's) as Defined by WIC 6600," presented by Douglas Korpi, Ph.D., 2nd Annual Mental Health Symposium, San Francisco State University Downtown Center, San Francisco, CA, 25 Oct. 1996. (MCEP 2.0 hrs.)

"The Clinical and Forensic Use of the Hare Psychopathy Checklist-Revised (PCL-R)," Forensic Mental Health, presented by Carl Gacono, Ph.D., San Francisco, CA, 28-29 Mar. 1997. (MCEP 12.0 hrs.)

"Trial Competency and Criminal Responsibility Assessment: A Practical Guide," American Academy of Forensic Psychology, presented by Charles R. Clark, Ph.D., San Francisco, CA, 4 Apr. 1997. (MCEP 6.0 hrs.)

"The MMPI-2 and Rorschach in Court," American Academy of Forensic Psychology, presented by J. Reid Meloy, Ph.D. and Richard Lewak, Ph.D., San Francisco, CA, 5 Apr. 1997. (MCEP 6.0 hrs.)

**Continuing Education/Professional Meetings (Continued):**  
**Forensic Psychology & Forensic Evaluation (Continued)**

"Clinical Assessment of Malingering and Deception," presented by Phillip Resnick, M.D., San Jose, CA, 19 Nov. 1998. (MCEP 7.0 hrs.)

"Personal Injury Evaluations: Ethics, Case Law, and Practice," American Academy of Forensic Psychology, presented by David Vore, Ph.D., Monterey, CA, 14 Jan. 2000. (MCEP 7.0 hrs.)

"On the Same Page as the Judge: Psychiatric & Psychological Evidence & Testimony Benchbook," American Academy of Forensic Psychology, presented by Eric Drogin, J.D., Ph.D., Monterey, CA, 16 Jan. 2000. (MCEP 7.0 hrs.)

"16<sup>th</sup> Annual Symposium of the American College of Forensic Psychology," Newport Beach, CA, 6-9 Apr. 2000. child custody; employment evaluation; trial competency; general forensic practice. (MCEP 19.0 hrs.)

Napa State Hospital 2<sup>nd</sup> Annual Visiting Psychiatry Scholars Program, "Legal Concepts and Perspectives Regarding Adult Competency to Stand Trial," by Richard Bonnie, LLP, and "Competency to Stand Trial," by Norman Poythress, Ph.D., Napa, California, 30 Apr. 2001. (3.0 hrs.)

"Advanced Topics in Forensic Psychology," [evaluation of competency to waive Miranda rights; Competency to stand trial; Criminal responsibility (sanity); Death penalty cases and psychological consultation] presented by Alan M. Goldstein, Ph.D., conference of the American Academy of Forensic Psychology, Albuquerque, NM, 9 April 2003. (MCEP 7 hrs.)

"Cross-Examination of the Forensic Psychology Expert Witness," by Diane Follingstad, Ph.D. conference of the American Academy of Forensic Psychology, San Diego, CA, 5 March 2005. (MCEP 7 hrs.)

**Criminology & Correctional Forensic Psychology**

"Advanced Sexual Offender Profiling: Behavioral Analysis of Violent Crime Scenes," [psychological and behavioral profiling; crime scene analysis] presented by Roy Hazelwood, FBI (ret.), Sacramento, CA, 26 & 27 Feb. 1998 (MCEP 14.0 hrs.)

"Forensic Neuropsychology: Evaluation of Criminal Offenders," presented by Myla Young, Ph.D., California School of Professional Psychology, Alameda, CA, 21 Oct. 1999. (MCEP 8.0 hrs.)

"Clinician Assisted Deception in a Correctional Setting," (malingering & psychopathy), presented by Carl Gacono, Ph.D., Garret Esseres, Ph.D. & Larry Dizmang, M.D., sponsored by the California Department of Corrections, live satellite broadcast, California Medical Facility, Vacaville, CA, 10 June 1999. (MCEP 2.0 hrs.)

"Forensic Profiling: Behavioral analysis and personality assessment," [psychological and behavioral profiling; crime scene analysis] presented by Phil Erdberg, Ph.D., and Kathleen Puckett, FBI Special Agent, sponsored by Forensic Health Care, Commonwealth Club of California, San Francisco, CA, 14 Apr. 2000. (MCEP 8 hrs.)

The Rorschach: A Clinical and Forensic Update, by Phil Erdberg, Ph.D., a workshop by the Sacramento Valley Psychological Association, Forensic Division, Sacramento, CA, 27 Oct. 2001. (MCEP 6.0 hrs.)

Assessing Psychopathy: Clinical & Forensic Applications of the Psychopathy Checklist-Revised, by Robert Hare, Ph.D., & Adelle Forth, Ph.D., San Francisco, CA, 9-10 Feb. 2002. (MCEP 13.0 hrs.)

**General Psychology**

"Substance Abuse Training," presented by the California Psychological Association, South San Francisco, CA, 20 Oct. 1995. (MCEP 7 hrs.)

"Domestic Violence: Assessment & Treatment [of victims, perpetrators, and impact on children]," presented by Alyce LaViolette, MS [Psycho-Legal Associates, Inc.], Emeryville, CA, 25 April 2004. (MCEP 7 hrs.)

"Myths & Realities of Growing Old: Aging & Long-Term Care in California," presented by Joan Spiegel, Ph.D., Sunnyvale, CA 30 Jan. 2005. (MCEP 6 hrs.)

**Forensic Experience:**

**Areas of Relevant Clinical Experience:**

clinical psychology; child, adolescent, & adult psychotherapy; psychological testing and assessment of children, adolescents, & adults; psychoeducational testing; psychodiagnostics; child development; special education; learning disabilities; child custody; consultation on civil litigation cases involving psychiatric and psychological testimony/relevance; criminal evaluation, competence, mental state, fitness; juvenile court evaluations

**Testimony Experience & Areas of Qualification as Expert Witness:**

child custody, psychotherapy, psychodiagnostic evaluation and assessment [in Civil litigation (personal injury/emotional distress); Juvenile Delinquency; Juvenile Dependency; & Criminal courts], clinical psychology, child psychology, forensic psychology, juvenile fitness, issues in juvenile delinquency and dependency, child abuse in dependency court matters, trial competency, criminal responsibility (sanity/insanity) and restoration of sanity, risk assessment

Total Number of Forensic Cases Testifying as Expert Witness: 55 [last revised: 19 May 2005]

Total Number of Forensic Cases [Civil] Deposed as Expert Witness: 7

**Professionals Familiar with Professional Practice and/or Work Products:**

Douglas R. Korpi, Ph.D.  
110 Gough Street, Suite 203-B  
San Francisco, CA 94102  
415-333-4255

Marilyn Margiotti, Ph.D.  
235 Montgomery St., Suite 1020  
San Francisco, CA 94104  
(415) 433-9438

Patricia Lee, Esq.  
Office of the Public Defender  
Juvenile Division, Supervising Attorney  
City & County of San Francisco  
375 Woodside Ave.  
San Francisco, CA 94127  
(415) 753-7610

Joseph A. Bick, M.D.  
California Department of Corrections,  
California Medical Facility  
Chief Medical Officer, Unit IV  
P.O. Box 2000  
Vacaville, CA 95696-2000  
(707) 453-7008

*Additional names available on request, including attorneys and judges*

## Civil Litigation Cases

Date Closed	Retained By	Caption	Case No.	Plaintiff Attorney	Defense Attorney	Verdict or Settlement
1995	Plaintiff	Brown v. Pacific Building Assoc. Inc.	Bank. 92-30855LK	Gilbert Graham, Esq.	D. Ronald Ryland, Esq. of Sheppard, Mullin, Richter, & Hampton	Confidential Settlement
1997	Plaintiff	Fontanos et al. v. Roman et al.	San Francisco Sup. Ct. 966-558	Bravo & Margulies	Eduardo Sandoval, Esq.	Settlement of \$88,000
1998	Defense	Kwan, Karen v. Wong, Antonio	San Francisco Mun. Ct. 145383	William C. Wunsch, Esq. of Faulkner, Sheehan & Wunsch	Bravo & Margulies	Plaintiff withdraws after arbitration decision for defense
1999	Plaintiff	Yamamoto v. Clarke et al.	San Francisco Sup. Ct. 984-335	Robert Carrow, Esq.	Stephen A. Roberts, Esq. of Kristine Jennings & Assoc.	Settlement of \$350,000
1999	Plaintiff	Budnick v. Pappas & Budnick v. Segales et al.	San Francisco Sup. Ct. 997284	Andrew Zacks, Esq.	Charles Shea, Esq. of Cesari, Werner & Moriarty	Settlement of \$150,000
1999	Plaintiff	Glenn v. Palace Auto Center	San Mateo Co. Sup. Ct. 408008	Silverman & Silverman Alan Silverman	Simpson, Ahern, & Garrity	Settlement of \$7,000
1999	Plaintiff	Brandt v. O'Brien	San Francisco Sup. Ct. 999855	Bravo & Margulies	Dryden, Margoies, Schinaneck Kelly & Wait	Settlement of \$27,500
2001	Plaintiff	Ruiz v. K-Mart Corp.	Alameda Sup. Ct. No. 989790	Bravo & Margulies	Ropers, Majeski, Kohn & Bentley	Settlement of \$100,000
2001	Defense	Turner v. Chilton	San Francisco Sup. Ct. 301711	Kathleen Hull	Bravo & Margulies, and Wm. Dresser	settled

Date Closed	Retained By	Caption	Case No.	Plaintiff Attorney	Defense Attorney	Verdict or Settlement
2002	Plaintiff	Mack v. Chou	San Francisco Sup. Ct. 309880	Bravo & Margulies	Jon York & Assoc.	Jury trial; verdict for plaintiff; \$72,000 awarded
2002	Defense	Adauto v. Textron Financial Corp.	U.S. District Court, No. District C-01-1881	Jill Telfer, Esq.	Matheny, Sears, Linkert, & Long	Confidential Settlement
2002	Defense	Waller v. Textron Financial Corp.	U.S. District Court, No. District	Jill Telfer, Esq.	Matheny, Sears, Linkert, & Long	Confidential Settlement

## Exhibit B

UCSF Stanford Health Care,  
Stanford Hospital & Clinics,  
Discharge Summary, dated 21 Jan. 1999



151103

NAME: HANCOCK, JEFF  
NUMBER: 992-45-05  
ATTENDING  
PHYSICIAN: GRIFFITH HARSH, M.D.  
ADMISSION: 01/16/1999  
DISCHARGE: 01/21/1999

DISCHARGE SUMMARY  
ACCOUNT NUMBER: 010005031231

REASON FOR HOSPITALIZATION:  
Closed head injury secondary to trauma.

HOSPITAL COURSE:

The patient is a forty-year-old male who was found intoxicated in his apartment with evident craniofacial trauma. The patient was brought to the Stanford Hospital emergency room for evaluation and treatment. He was diagnosed with a left basilar skull fracture, a left facial laceration and a left frontal brain contusion. The patient was admitted initially on the trauma service and since his main injury was the bifrontal brain contusion, the patient was transferred to the Neurosurgical Service. The patient continued to be monitored and his neurologic status improved throughout the course of his hospital stay.

Due to the difficult social situation, social work and discharge planning have been involved with the case from the start. By the time of discharge the patient was afebrile with stable vital signs, was tolerating a regular diet, was ambulating without little difficulty and his pain was controlled with oral pain medications. The patient was felt to be safe to be discharged in the care of his mother who agrees to either be present or have someone else available to observe the patient until he has completely recovered.

Of note is that there had been a restraining order in effect preventing the patient from seeing his mother although the mother has made arrangements with the district attorney that this can be suspended for the duration of the illness. For full details, please see the chart.

PROCEDURES PERFORMED:  
CT scan of the head.

TREATMENT RENDERED:  
Medical.

DIAGNOSES:  
1. Status post trauma involving a left basilar skull fracture, a left facial laceration and a bifrontal brain contusion.

DISPOSITION:  
The patient was discharged to home.

CONDITION OF THE PATIENT UPON DISCHARGE:  
Good.

ORIGINAL

2283

UCSF Stanford Health Care  
Stanford Hospital and Clinics  
Stanford, California 94305

NAME: HANCOCK, JEFF  
NUMBER: 992-45-05  
ATTENDING  
PHYSICIAN: GRIFFITH HARSH, M.D.  
ADMISSION: 01/16/1999  
DISCHARGE: 01/21/1999

DISCHARGE SUMMARY  
ACCOUNT NUMBER: 010005031231

DIET:  
Regular.

PHYSICAL ACTIVITY:

The patient is to ambulate as tolerated and as advised by physical therapy, that he be in an environment where assistance is readily available.

MEDICATIONS:

1. Vicodin one to two tablets po q four to six hours PRN pain.
2. Colace 250 mg po bid for constipation.
3. Valium 5-10 mg po q six hours for spasms.
4. Dilantin 300 mg po q HS for seizure prevention.

FOLLOW UP:

The patient will follow up with Dr. Harsh in Neurosurgery Clinic in approximately one week.

  
GRIFFITH HARSH, M.D.

MARNIE ROBINSON, M.D.

d: 01/21/1999 3:08 P  
t: 01/23/1999 5:31 P/cm/ct  
l: 01/23/1999 5:32 P/sg

CC: GRIFFITH HARSH, M.D.  
MARNIE ROBINSON, M.D.

doc:1031101  
15-1103

ORIGINAL

## Exhibit C

Winchester Hospital  
Radiology Report,  
prepared by R. P. Fortunato, MD,  
dated 6 Aug. 1999

Winchester Hospital Imaging Services

**WINCHESTER HOSPITAL**

Winchester, Massachusetts

(781) 756-2342

Radiology

Nuclear Medicine

CT Scan

Ultrasound

NAME: HANCOCK, JEFF

UNIT NO: 591022

DOB: 11/02/1958 AGE: 40

SEX: M

ACCT: 2174348-1 LOC: ER

EXAM DATE: 06/06/1999

ORD PHYS: HERNANDEZ, EDWIN J

PT TEL #: 408-296-1935

EXAMS: HEAD/WITHOUT CONTRAST - 70450

CLINICAL INDICATION: SEIZURE/FELL HIT HEAD

## BRAIN CT:

Scans of the brain demonstrate a low density area in the left frontal region with central tissue nodule. The appearance is consistent with a neoplasm and surrounding edema. No real change compared to 7/18/99. There is no evidence of hemorrhage and no other significant findings are seen.

IMPRESSION: STABLE AREA OF APPARENT EDEMA AND LIKELY TUMOR NODULE IN THE LEFT FRONTAL REGION. PATIENT HAS REPORTEDLY HAD AN MRI SINCE THE LAST CT SCAN BUT NO AT THIS INSTITUTION.

REPORT REVIEWED BY: \_\_\_\_\_

-----  
R. P. FORTUNATO, M. D.

CC: EDWIN J. HERNANDEZ, MD

06/06/1999 (2225)

RAD (NMD)

PAGE 1

CHART COPY

## Exhibit D

Letter to Scott Co. Clerk of Court  
from Michael A. Cronkleton, MD,  
dated 31 August 1999

&

Psychiatric Report  
by Angelika J. Peiffer,  
dated 31 Sept. 1999

Genesis East Letterhead  
PATIENT NAME: HANCOCK, JEFFERY

D: 08/31/99 14:05 T: 08/31/99 15:10

BY: JAM

August 31, 1999

Scott County Clerk of Court  
Davenport, Iowa

RE: Hancock, Jeffery  
DATE SEEN: 08/31/99  
DATE OF BIRTH: 11/02/58  
AGE: 40 years.

Dear Sir or Madam:

I am writing to request involuntary psychiatric commitment for Jeffery Hancock. I evaluated him at Genesis Medical Center West Campus emergency department today. He is disoriented and delusional. He has been hallucinating. He demonstrates very impaired judgment and poor impulse control. He is definitely a danger to himself. He has done such things as undressing in public, approaching strangers at a restaurant and drinking their water, and expressing the delusion that they are friends. He has a seizure disorder. He has not been taking his medication. He has had seizures recently. He has a history of a brain injury and of alcohol abuse as well as exhibiting a serious psychiatric disorder. He is very restless and tremulous.

He has no family or friends nearby to look after him. His mother lives in California and has expressed the intention of coming to get him to take him home; but, in the meantime, Mr. Hancock needs to be somewhere where he can be kept safe.

Sincerely,

Michael A. Cronkleton, MD

D: 08/31/99 2:05 P  
T: 08/31/99 3:10 P  
jam JOB NO.: 45095  
cc:

Authenticated by Michael A. Cronkleton, MD On 09-21-1999 at 3:29 pm

PRINTED BY: NORKUS  
DATE 01/31/2005

## Exhibit E

Santa Clara Valley Health & Hospital System  
Daily nursing note  
dated 9 Aug. 2003



Santa Clara Valley  
Health & Hospital System  
Adult Custody Health Services  
PHYSICIAN'S ORDERS  
(PLEASE USE BALLPOINT PEN)

Hancock, Jeff  
03041987

BB1 263

11/2/58

DATE	TIME	PHYSICIAN'S ORDERS	CHECKED BY	TIME
<b>SANTA CLARA VALLEY MEDICAL CENTER</b> <b>ADULT INSTITUTIONS MEDICAL UNITS</b>				
<b>ALCOHOL DETOXIFICATION ASSESSMENT &amp; STANDARDIZED PROCEDURE</b>				
8/9/03		<b>PATIENT HISTORY</b> 1. Amount and Frequency of alcohol used _____ 2. Date and Time of last drink _____ 3. Duration of use of alcohol _____ 4. Use of any other Drugs _____ 5. Past history of withdrawal from alcohol including any of the following: _____ Blackouts _____ Delirium Tremors _____ Seizure Disorder _____ 6. Age 65 or over _____ Yes <input checked="" type="checkbox"/> No <input checked="" type="checkbox"/>		8/8/03
<b>PAST MEDICAL HISTORY</b> Severe Debilitation _____ COPD _____ Cirrhosis _____ Ascites _____ Identified High Risk Type: _____				
<b>DOCUMENTATION OF SYMPTOMS EXPERIENCED BY THE PATIENT:</b> Anxiety _____ Insomnia _____ Nausea _____ Vomiting _____ Tremulousness _____ Diaphoresis _____				
<b>PHYSICAL ASSESSMENT: DOCUMENTATION OF SIGNS OBSERVED BY NURSE:</b> 130/90 B/P 98 T 92 P 21 R Tremors _____ Apprehension _____				
<b>TREATMENT OPTIONS:</b> No treatment necessary _____ OR (see below) Initiate schedule as appropriate according to the criteria set forth in Standing Order C-1.				
<b>USE SCHEDULE 1</b> <ul style="list-style-type: none"> <li>• CHLORDIAZEPOXIDE 30 MG PO QID FOR 3 DAYS, THEN</li> <li>• CHLORDIAZEPOXIDE 50 MG PO TID FOR 1 DAY, THEN</li> <li>• CHLORDIAZEPOXIDE 25 MG PO TID FOR 1 DAY, THEN</li> <li>• CHLORDIAZEPOXIDE 25 MG PO BID FOR 1 DAY</li> <li>• Thiamine 100 MG PO QD FOR 7 DAYS</li> <li>• Prenatal Vitamins PO QD FOR 7 DAYS</li> </ul>				
OR				
<b>USE SCHEDULE 2</b> <ul style="list-style-type: none"> <li>• Lorazepam (Ativan) 1.0 mg PO Stat x 1, then</li> <li>• Lorazepam (Ativan) 0.5 mg PO qid x 1 day, then</li> <li>• Lorazepam (Ativan) 0.5 mg PO tid x 2 days, then</li> <li>• Lorazepam (Ativan) 0.5 mg PO bid x 1 day</li> <li>• Thiamine 100 MG PO QD FOR 7 DAYS</li> <li>• Prenatal Vitamins PO QD FOR 7 DAYS</li> </ul>				
Initiate 72 hours alcohol detoxification assessment: _____				
COPY TO PHARMACY (RN initial) _____				
[Signature] RN 8/9/03				

## Exhibit F

Santa Clara County  
Department of Correction  
Agency Advisory Form  
prepared by Off. Zariello  
Dated 8 Aug. 2003

**SANTA CLARA COUNTY  
DEPARTMENT OF CORRECTION  
AGENCY ADVISORY FORM**

ARRESTEES NAME: HANCOCK, JEFF BOOKING #: 11-02-58  
030411987  
DATE: 08/08/03 TIME: \_\_\_\_\_

This form must be completed by the arresting agency prior to the arrestee being received by the Santa Clara County Jail.

1. Do you have any information or observations which would indicate that the arrestee has/had any of the following symptoms/problems prior to or during the contact that resulted in his/her arrest?

	YES	NO
a. Loss of Consciousness	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Seizure	<input type="checkbox"/>	<input type="checkbox"/>
c. Respiratory Problem/Difficulty	<input type="checkbox"/>	<input type="checkbox"/>
d. Heart Problem	<input type="checkbox"/>	<input type="checkbox"/>
e. Hypertension (High Blood Pressure)	<input type="checkbox"/>	<input type="checkbox"/>
f. Diabetes	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g.		<input type="checkbox"/>
h. Bizarre or Aggressive Behavior		<input type="checkbox"/>
i. Psychiatric/Mental Health History/Developmentally Disabled	<input type="checkbox"/>	<input checked="" type="checkbox"/>
j. Known or reported injury/illness	<input type="checkbox"/>	<input type="checkbox"/>
k. Any physical trauma	<input type="checkbox"/>	<input type="checkbox"/>
l. Involved in a traffic collision	<input type="checkbox"/>	<input type="checkbox"/>
m. Disabilities, ie. hearing impaired	<input type="checkbox"/>	<input type="checkbox"/>

Other \_\_\_\_\_

2. Were any of the following used on the arrestee prior to or during the arrest?

a. * Chemical agents (O.C., Mace, etc.)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. * T.A.R.P. (Total Appendage Restraint Procedure)	<input type="checkbox"/>	<input type="checkbox"/>
c. * Carotid Restraint	<input type="checkbox"/>	<input type="checkbox"/>
d. * Taser/Any electric control/stun device	<input type="checkbox"/>	<input type="checkbox"/>
e. Baton (if yes, what part of the body was hit? _____)	<input type="checkbox"/>	<input type="checkbox"/>
f. Proned during handcuffing, approximate duration _____	<input type="checkbox"/>	<input type="checkbox"/>

\* These conditions must be evaluated as indicated on the reverse side of this form.

3. Was there any physical resistance by the arrestee prior to or during the arrest? ☐ ☒  
APPROXIMATE DURATION \_\_\_\_\_ (MINUTES)
4. Is the arrestee on any type of Mental Health Hold (5150, W&I, etc.)? ☐ ☒

ZARULLO 14183 04316SV  
ARRESTING OFFICER BADGE # AGENCY

Reviewed by Receiving Officer: \_\_\_\_\_ Badge #: \_\_\_\_\_

Any affirmative answers will be referred to a nurse for clearance prior to acceptance.

Reviewed by Medical/Mental Health: [Signature]

## Exhibit G

Page 43 of Transcript of Interrogation Interview  
of J. Hancock, dated 12 Aug. 2003

43

Anderson: Well, that's, that's fine. You have trouble writing?

Hancock: No.

Anderson: Oh, no, I don't care if you have. It, it doesn't matter. I mean, I have, I get paid by the hour. So, take your time. I'll just read some of the other case.

Hancock: I wish I got paid by the hour here.

Anderson: Okay. So, and it's, it's however you want to write. I, to your friend, to the judge, to the DA, whatever, it doesn't matter.

Hancock: Um, (inaudible) write.

Anderson: You don't have to if you don't want to. That's totally up to you. Okay, so, some people choose to do it, 'cause they feel like it just gives,...

Hancock: Um hum.

Anderson: it's in their own writing, it's in their own words. This is, some people don't. I mean it's not a big deal. You, you, you can, can do it, or you don't have to. And, and it's kind of something if you feel like, you, you want to do that, you think it would help you out, then ah, it's your choice. But I'm not gonna push you to do it or not. It's totally up to you. Just an option I like to give the guys that have been cooperative and have told their side of the story. And if you were to be a jerk a say, you know, get out of here, then I wouldn't even, I'd say ah, whatever, you can just, we'll just leave it how it is, you know. And then it's kind of like, throw your cards in and take your chances with it. It's totally up to you. If you want to do it.

Hancock: I'm just not quite sure how I should word it.

## Exhibit H

Page 2 of Transcript of Interrogation Interview  
of J. Hancock, dated 12 Aug. 2003

2

whole thing. I'll write it down. I'll submit the tape today. Hoping the DA can take a look at it tomorrow (inaudible). If that's something you're willing to do, I can read you the Miranda saying, then we can talk. Totally up to you if you want, if you want to leave your side of the story here, um, that's up to you. But ah, that's just (inaudible). Ah, let me, let me read this to you. And then if you want to talk about it, then you can. You have the right to remain silent. Anything you say may be used against you in court. You have the right to the presence of an attorney before and during any questioning. If you cannot afford to hire an attorney, one will be appointed to you free of charge before any questioning. Do you understand all that I read to you?

Hancock:

Yeah.

Anderson:

Okay. Ah, don't mind if I am saying what I read to you for you, is all I'm saying. And like I said, he ah, the night this happened, he didn't want to say anything. Um, the officer basically had to force him to talk about what happened. But, but I, I went and visited him today. He's doing all right. You know, he's pretty beat up. But ah, he's not gonna die or nothing like that, you know. Okay. And ah, that's kind of what he told me, is that ah, he said he just kind of lost (inaudible) bigger, bigger than him. And you got the best of him. That was kind of the story. Um, you want to talk a little bit about what the, what the deal with ah, with,

EXHIBIT I

**COPY**

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SIXTH APPELLATE DISTRICT

Court of Appeal - Sixth App. Dist.

**FILED**

MAR 24 2006

MICHAEL J. TERLY, Clerk

By \_\_\_\_\_  
DEPUTY

In re

JEFF JAY HANCOCK,

H029763

(Santa Clara County

On Habeas Corpus

Super.Ct.No. EE302496)

THE COURT:

The petition for writ of habeas corpus is denied.

(Rushing, P. J., Elia, J., and Mihara, J. participated in this decision.)

Dated: \_\_\_\_\_

**MAR 24 2006**

**RUSHING, P.J.**

\_\_\_\_\_  
RUSHING, P.J.

**EXHIBIT J**

Court of Appeal, Sixth Appellate District - No. H029763  
**S143150**

**IN THE SUPREME COURT OF CALIFORNIA**

**En Banc**

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In re JEFF HANCOCK on Habeas Corpus

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Petition for review DENIED.

**SUPREME COURT  
FILED**

JUL 19 2006

**Frederick K. Ohlrich Clerk**

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**DEPUTY**

**GEORGE**

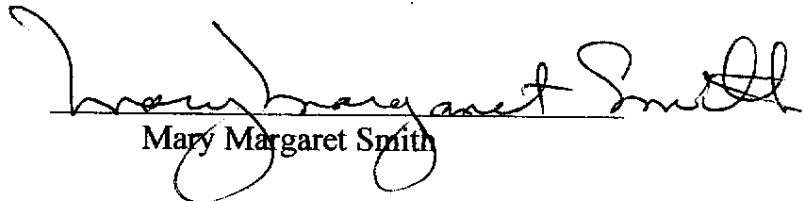
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**Chief Justice**

I, Mary Margaret Smith, declare:

1. I am the mother of Jeff Hancock, defendant in Santa Clara Superior Court Case No. EE402396.
2. In 1999, Jeff suffered a head injury that left him subject to seizures. He has been hospitalized numerous times for those seizures since, and has been on anti-seizure medication - Dilantin - since the original incident.
3. After a seizure, Jeff is "not himself" for a period of some days afterwards. His cognitive reasoning is unclear and he is not fully alert.
4. I knew that Jeff had been hospitalized for a seizure shortly before he was interviewed by the police. I was concerned that at the time of the interview, Jeff might not have been restored to full consciousness and accurate thinking.
5. Before trial, I told Mr. Kurzman of Jeff's history of seizures and the fact that they left him with impaired cognitive abilities, but Mr. Kurzman said it did not matter.
6. During trial, when I heard Jeff's taped voice on the "confession," I told Mr. Kurzman that he did not sound like himself, that he sounded "doped up," groggy, "out of it," and not 100%. Again, Mr. Kurzman told me that it did not matter.
7. If Mr. Kurzman had been interested, I could have provided him with the medical records being submitted with this petition, which evidence Jeff's seizure disorder and history of disorientation following seizures.
8. I could also have testified of my own knowledge that Jeff was historically groggy and confused for days after suffering a seizure, and that his voice sounded "doped up," or groggy during the police interview.

The statements in this declaration are true under penalty of perjury under the laws of California on October 11<sup>th</sup>, 2005, in Grants Pass, Oregon.

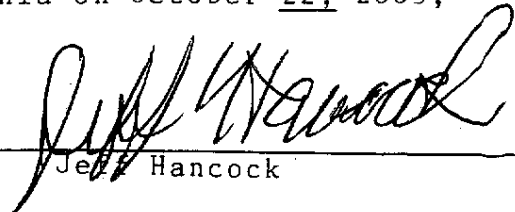
  
Mary Margaret Smith

DECLARATION OF JEFF HANCOCK

I, Jeff Hancock, declare:

1. In 1999, I suffered a head injury that left me subject to seizures. I have been hospitalized numerous times for those seizures since, and have been on anti-seizure medication (Dilantin) since the original incident.
2. For as long as five days after a seizure, I do not feel like myself. I am groggy, my thinking is confused, and I sometimes walk and talk as though drunk even when I have not been drinking.
3. When I was admitted to Santa Clara County Jail, I was not given the anti-seizure medication (Dilantin) on which I rely. As a result, on August 9, 2003, I suffered a seizure, fell out of my bunk on to the cement floor of the jail, and was injured. I was taken to the hospital, where I was given the wrong medication -Librium instead of Dilantin. This happened because an intake officer booked me in under the wrong personal file number, so my medical history did not come up on the screen. I've been treated there with the medication Dilantin in the past, to control my seizures!
4. On August 12, 2003, shortly after I was released from the hospital back to the jail, a police officer took me out of my cell to be interviewed by someone. I was still suffering the after-effects of the seizure, and I was still taking Librium, which makes me very groggy. As a result I felt drowsy and not completely "with it." Consequently, I did not really engage with the person interviewing me, and just gave "lip service" to whatever he told m. For instance, When he said things that I would have contradicted if I had been more alert, I just let them slide
5. Before trial, I told Mr. Kurtzman about my history of seizures, that I had just been discharged from the jail hospital after suffering a grand mal seizure, and hitting my head on the concrete floor. While being intrviewed, I was under the influence of the mdication Librium, which makes me drowsy, "out of it." Consequently, I was not fully aware of what was going on.
6. I told Mr. Kurtzman that the medical records of my hospitalization for seizures and the medical records from the jail would support what I was telling him.
7. I had thought Mr. Kurtzman had said that he would look into the issue. I was shocked and disappointed at trial when the taped admission was submitted without any objection or discussion of my confused and disoriented state when I made it. I never even heard him ask openly or move to suppress it.

The statements in this declaration are true under penalty of perjury under the laws of California on October 22, 2005, in Susanville, California.

  
Jeff Hancock

I, Eben Kurtzman, declare:

1. I am a lawyer licensed to practice in California; I represented Jeff Hancock at trial in Santa Clara Case Superior Court Case No. EE402396.
2. Mr. Hancock advised me that he had a long-standing seizure disorder and brain injury, and had been suffering from the after-effects of a recent seizure at the time of his interview by police and subsequent confession.
3. I did not obtain Mr. Hancock's medical records or hire a medical expert to analyze them because I did not believe Mr. Hancock's medical condition to be relevant to his defense, both because he had not told me that he was suffering from a seizure at the time of the offense and because assault is a general intent crime.
4. I did not try to use Mr. Hancock's medical condition to keep his confession out because I wanted that confession to come in. It included information about Mr. Hancock taking care of Craig Davis, allowing him to stay with him and paying for his food, that I believed would render Mr. Hancock more sympathetic to the jury. It also showed that Mr. Hancock was remorseful for his act and had not meant to hurt Mr. Davis. I believed that these good aspects of the confession out-weighed the bad when viewed with the other evidence I expected to be admitted.
5. I was aware that Mr. Hancock wanted to testify at trial, but I had hoped to dissuade him from doing so. I prefer that my clients do not testify; in my experience, such testimony usually contains at least some inconsistencies, and the district attorney can be expected to seek to capitalize on them.
6. Mr. Hancock ultimately chose to testify because he wanted to tell the jury that Mr. Davis had hit him with a frying pan. I am not absolutely sure when Mr. Hancock first told me that Mr. Davis hit him with a frying pan, but I believe that it was after trial started.
7. I felt that having an expert testify that Mr. Hancock was incapacitated during the interview only as to his recollection of the frying pan would have encouraged the jury to dismiss the entire defense.

The statements in this declaration are true under penalty of perjury under the laws of California; this declaration was signed on December, 20, 2005, in San Jose, California.

  
EBEN KURTZMAN

I, Candace Hale, declare:

1. I am a lawyer authorized to practice before the State Bar of California. I am co-appellate counsel for Mr. Hancock in his pending appeal, No. H027917.
2. I first began investigating this petition in May of 2005. I called trial counsel Eben Kurtzman in June, 2005, and asked him if he had been aware of Mr. Hancock's long-standing seizure disorder at the time of trial, and whether he had obtained Mr. Hancock's medical records. Mr. Kurtzman did not remember the case clearly without the file, and promised to get back to me after reviewing the file.
3. Since that time, I have had more than 17 phone conversations with Mr. Kurtzman and his office, all to the end of obtaining a declaration from him so that I could file this petition. Although Mr. Kurtzman was cooperative, and returned my calls, often at times when he was clearly busy, he was not able to give me a declaration - or indeed, a final expression of his thinking - without reviewing Mr. Hancock's files. In late November, he advised me that he had remembered that Mr. Hancock's files had been passed on to sentencing counsel, but that he would give me a declaration once he had reclaimed the files. Those efforts took him longer than he expected, and he was not able to give me any meaningful information about his actions until the week of December 10, 2005.
4. I mailed Mr. Kurtzman a draft declaration on December 13, 2005.
5. I did not receive the signed declaration back from Mr. Kurtzman until January 4, 2006, despite the fact that it appears to have been signed on December 20, 2005. As it was not possible to put this petition into final form until I had Mr. Kurtzman's declaration in hand, this brief is being filed at the earliest possible opportunity after receipt of that declaration.
6. I respectfully request that the Court consider this petition in conjunction with Mr. Hancock's pending appeal, as its filing at this date is not indicative of any lack of diligence on the part of counsel or petitioner.

The statements in this declaration are true under penalty of perjury under the laws of California on January \_\_\_\_, 2006, in San Anselmo, California.

  
CANDACE HALE

1 **John D. Shields, Ph.D., ABPP**  
2 **235 Montgomery Street, Suite 1020**  
3 **San Francisco, CA 94104**

4  
5 **415-434-4037**  
6 **415-434-2412 [FAX]**  
7

8  
9 at the request of:

10 Candace Hale, Esq.  
11 Attorney at Law  
12 P.O. Box 775  
13 San Anselmo, CA 94979-0775  
14 (415) 460-5428  
15

16 Attorney For: HANCOCK, Jeff  
17

18 IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA

19 IN AND FOR THE COUNTY OF SANTA CLARA

20 CRIMINAL COURT

21 IN RE: People	)	Court of Appeal: H027917
22	)	
23 v.	)	CASE NO.: EE302496
24	)	
25 HANCOCK, Jeff	)	DECLARATION OF:
26	)	JOHN D. SHIELDS, PH.D., ABPP
27	)	
28	)	
29	)	
30 -----/		

31  
32 JOHN D. SHIELDS, PH.D., ABPP, DECLARES AS FOLLOWS:

33 1. I am a licensed psychologist in the state of California. I have experience in and qualified as an  
34 expert witness in civil court matters, juvenile delinquency and dependency court matters, and in  
35 criminal court matters. I am on the Superior Court's panel of psychological evaluators in several

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Superior Court of California, Santa Clara County, Court of Appeal  
Case No. H027917 [Sup. Crt. No. EE302496]

10/17/2005

DECLARATION of John D. Shields, Ph.D., ABPP

- 1 -

1 counties in the state of California, wherein I have given expert testimony on psychological matters  
2 on more than 50 occasions. I regularly consult with judges and attorneys, and have completed over  
3 1000 psychological evaluations in a wide variety of forensic matters.

4  
5 2. I am a clinical and forensic psychologist. I am a Diplomate in forensic psychology, board certified  
6 by the American Board of Professional Psychology [ABPP], and the American Board of Forensic  
7 Psychology, and I am a Fellow of the American Academy of Forensic Psychology. These boards  
8 examine and certify those candidates whose experience, knowledge, and training in the area of  
9 forensic psychology demonstrate an exemplary standard. To date, there are just over 200 ABPP  
10 Forensic Diplomates in the United States.

11  
12 3. Further, I have training and experience in child, adolescent, adult, and family psychotherapy and  
13 psychopathology, as well as in diagnostic assessment of and treatment of children, adolescents, and  
14 adults. I also have training and experience in the area of correctional psychology, and am familiar  
15 with incarcerated criminal defendants; both pre- and post-trial. I am on the medical staff at the  
16 California Medical Facility, a state prison located at Vacaville, CA where I have been employed  
17 since 1996. For further details of my experience, training, and more than 200 hours of continuing  
18 education, the reader is respectfully refer to my curriculum vitae. [SEE Exhibit-A attached]

19  
20 4. I was asked by attorney Candace Hale, Esq. to review transcripts and medical records related to Mr.  
21 Jeff Hancock, the defendant in the above-captioned case. I was provided with approximately 200  
22 pages of records which included medical records and a transcript of the defendant's statement [on 12

1 Aug. 2003] to an investigating officer ["Officer Anderson"] just after his arrest on or about 8 Aug.  
2 2003. In that interview, Mr. Hancock provides an admission of his role in the instant offense; one  
3 which led to injury, including a stab wound, to the victim.  
4

5 5. Noted in the records reviewed is that Mr. Hancock has an extensive and well documented medical  
6 and psychiatric history which is remarkable for a brain injury due to blunt trauma and possible  
7 neuropsychological impairment due to recurrent seizure activity. He also has a history of severe  
8 alcoholism which has led to multiple hospitalizations and may be a contributing factor to both his  
9 seizure activity and his psychiatric history. Unlike many incarcerated individuals, there is no dispute  
10 about the authenticity of Mr. Hancock's claim to have a history of seizures. The following records  
11 were reviewed and annotate Mr. Hancock's significant medical and psychiatric histories:

- 12 a. UCSF Stanford Health Care, Stanford Hospital & Clinics, medical records
  - 13 b. Winchester Hospital, Winchester Massachusetts, medical records
  - 14 c. Boston Medical Center, Boston, Massachusetts, medical records
  - 15 d. Saint Clare's Hospital [presently called Saint Vincent's], New York, medical records
  - 16 e. El Camino Hospital, Mt. View, CA, medical records
  - 17 f. Santa Clara valley Health & Hospital Systems, [Main Jail Health Care], medical records
  - 18 g. Genesis Medical Center, Iowa, in-patient psychiatric records
- 19

20 6. Noted in the records reviewed is that Mr. Hancock has a notable and significant brain injury that  
21 required hospitalization on several occasions. His condition has been described as, "trauma

EXHIBIT 17

1 involving a left basilar skull fracture, a left facial laceration, and a bifrontal brain contusion." [SEE  
2 Exhibit-B attached].

3  
4 7. Elsewhere in the records reviewed, Mr. Hancock's condition was described following a CT scan of  
5 his brain: "Scans of the brain demonstrate a low density area in the left frontal region with central  
6 tissue nodule. The appearance is consistent with a neoplasm and surrounding edema. . . Stable area  
7 of edema and likely tumor nodule in the left frontal region." [SEE Exhibit-C attached].

8  
9 8. Mr. Hancock also has a notable psychiatric history; one marked by the presentation of symptoms of  
10 severe mental illness and/or a severe compromise in his mental status. In fact, the records reviewed  
11 find that Mr. Hancock's condition has presented as so impaired, that he has required involuntary  
12 psychiatric commitment. His condition has been described as:

13 "He is disoriented and delusional. He has been hallucinating. He demonstrates very impaired  
14 judgment and poor impulse control. He is definitely a danger to himself. . . . He has had  
15 seizures recently. He has a history of brain injury and of alcohol abuse as well as exhibiting a  
16 serious psychiatric disorder." [SEE Exhibit-D attached]

17  
18 9. Review of the records provided finds that Mr. Hancock had a seizure shortly after his arrest. He was  
19 admitted to the Santa Clara Valley Health & Hospital System when on 9 Aug. 2003 at 1100 hrs.  
20 [Only hours after his arrest and 3 days prior to his statement to Officer Anderson] he was described  
21 as having the following symptoms: "anxiety, insomnia, nausea, tremulousness, tremors,  
22 apprehension, and seizure disorder." [SEE Exhibit-E attached]

1 10. Review of the records provided finds that despite a significant and well documented history of  
2 psychiatric significance, upon admission to the Santa Clara County Jail on 8 Aug. 2003, the arresting  
3 officer [Officer Zariello, Badge #14183], indicates that Mr. Hancock had "no" "psychiatric/mental  
4 health history." [SEE Exhibit-F attached]

5  
6 11: Elsewhere in the records reviewed, there is indication that in the past Mr. Hancock has had seizures  
7 and required not only heavy sedation ["as much as 35 mg of Ativan], but has taken several days to  
8 fully regain his mental faculties.

9  
10 12. Given that Mr. Hancock has a significant psychiatric history, and given that the arresting officer  
11 indicated that he had no psychiatric/mental health history of significance, it is this consultant's  
12 opinion that the interviewing officer [Officer Anderson] was not aware that the defendant's mental  
13 status may have been compromised at the time the statement was given on 12 Aug. 2003. Further,  
14 this consultant's review of the transcript of that statement finds nowhere when Offc. Anderson  
15 inquired as to the defendant's being on any medication, having any significant psychiatric status or  
16 history, or asking any other question of the defendant that could have further elucidated both the  
17 defendant's mental status at the time of the interview, and the need for precautions to be taken given  
18 that the defendant's cognitive processes may have been compromised due to a brain injury that is  
19 well documented.

20  
21 13. This consultant's review of the transcript of the statement given on 12 Aug. 2005 finds that Mr.  
22 Hancock appears to have been rather suggestible during the interview. Suggestibility is a construct

1 that indicates the extent to which a person can be persuaded to endorse ideas that are not true or are  
2 not completely accurate. The transcript finds that Offc. Anderson appears to use some of the tactics  
3 common to investigators who are attempting to persuade defendants to give a statement of admission  
4 of their role [or of a role] in a crime. This consultant's review of and familiarity with the literature  
5 on interrogation techniques and suggestibility finds that Offc. Anderson used such techniques in his  
6 interview of the defendant. For example, on pg. 43 of the transcript, Offc. Anderson tells Mr.  
7 Hancock that his writing out a statement of admission of his role in the crime being investigated is  
8 "not a big deal." He goes on to tell Mr. Hancock that it is, "Just an option I like to give to the guys  
9 that have been cooperative and have told their side of the story." [SEE Exhibit-G attached]  
10

11 14. This consultant's familiarity with persuasive interrogation techniques as they are summarized in the  
12 literature suggests that both of the statements of Offc. Anderson are persuasive tactics given that  
13 both are untrue. It is a "big deal" when one writes a statement of "confession" or admission.  
14 Second, such is not simply "an option given only to those who have been cooperative," but rather  
15 something typically asked of all suspects regardless of their degree of cooperation or resistance. The  
16 former is obviously an incriminating document later admissible in court, and the later is an attempt  
17 of the interrogator to convey that the suspect is being given "special treatment" which is favorable.  
18

19 15. It is this consultant's opinion [congruent with the literature on the topic] that suggestive interrogation  
20 techniques are most effective with subjects who have some vulnerability. Vulnerability is present in  
21 those subjects who have cognitive impairments [for whom the literature clearly indicates have higher  
22 degrees of suggestibility], or for subjects who are vulnerable for other medical and/or psychosocial

1 reasons. In this case, the defendant's vulnerability appears to include the fact that he was recently  
2 post-seizure at the time of the interview, that he has a notable psychiatric history and may have had  
3 compromised mental faculties, and that he has brain impairment.

4  
5 16. Further, it is also noted from review of the interrogation transcript that when the Miranda warnings  
6 were given to the defendant, there was no attempt on the part of the interrogator to insure that Mr.  
7 Hancock was waiving these rights in a knowing and intelligent manner. On page 2 of the transcript  
8 appears the following exchange [SEE Exhibit-H attached]:

9 Anderson: [after reading Miranda warning] Do you understand all that I read to you?

10 Hancock: Yeah.

11 Anderson: Okay. Ah, don't mind if I'm saying what I read to you for you, is all I'm  
12 saying.


13  
14 17. It is this consultant's opinion that not only is there an absence of validity to the assertion that the  
15 defendant waived his rights "knowingly and intelligently," but that the interrogator himself was  
16 rather confusing in the language used. For example, the actual meaning of the statement  
17 immediately following the "waiver," "Ah, don't mind if I'm saying what I read to you for you, is all  
18 I'm saying," escapes this consultant's understanding.

19  
20 18. There are a number of facts that appear to be omitted from the statement given, including the fact  
21 that the defendant was allegedly struck by the victim in the instant case and was injured himself just  
22 prior to inflicting a knife wound on the victim; that he was a severe alcoholic for more than 25 years,

1 and that the defendant himself had recently had a seizure while in custody and was medicated for  
 2 such at the time of the interrogation interview.  
 3

4 19. Given all of the above, it is this consultant's opinion, based on experience as a forensic psychologist  
 5 which includes consultation to trial counsel, that Mr. Hancock's history as well as the facts as  
 6 summarized here, suggest that trial counsel would have had reasonable grounds to raise issues at trial  
 7 such as: 1) whether or not the defendant was able to form specific intent; 2) whether or not the  
 8 defendant did in fact waive his rights knowingly and intelligently; 3) whether or not the defendant  
 9 was acting in the commission of the instant offense while in a compromised mental state such as he  
 10 had in his past [which is well documented]; or 4) whether or not the defendant was vulnerable to  
 11 undue suggestibility during the interrogation interview of 12 Aug. 2003. These are only some of the  
 12 questions that could have been raised by trial counsel that had pertinence to the defendant's  
 13 psychiatric status and psychiatric history; neither of which was considered at trial.  
 14

15 I DECLARE UNDER PENALTY OF PERJURY UNDER THE LAWS IN THE STATE OF  
 16 CALIFORNIA THAT THE FOREGOING IS TRUE AND CORRECT.  
 17

18   
 19 \_\_\_\_\_  
 20 John D. Shields, Ph.D., ABPP  
 21 Diplomate, Forensic Psychology  
 22 American Board of Professional Psychology  
 23 American Board of Forensic Psychology  
 24 American Academy of Forensic Psychology

17 October 2005

Superior Court of California, Santa Clara County, Court of Appeal  
 Case No. H027917 [Sup. Crt. No. EE302496]

10/17/2005

DECLARATION of John D. Shields, Ph.D., ABPP

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EXHIBITS AND DECLARATIONS  
TRANSCRIPTS

Curriculum Vitae of John Shields Ph.D., ABPP	Exhibit A 10/17/05
UCSF Stanford Health Care, Stanford Hospital and Clinics, Discharge Summary	Exhibit B 1/21/99
Winchester Hospital Radiology Report, by R.P. Fortunato, M.D.	Exhibit C 8/6/99
Letter to Scott Co. Clerk of Court from Michael A. Cronkleton, M.D.	Exhibit D 8/31/99
Santa Clara Co. Valley Health and Hospital System Daily Nursing Note	Exhibit E 8/9/03
Santa Clara Co. D.O.C. Agency Advisory Form by Officer Zariello	Exhibit F 8/8/02
Page 43 of Transcript of Interrogation Interview of Jeff Hancock	Exhibit G 8/12/03
Page 2 of Transcript of Interrogation Interview of Jeff Hancock	Exhibit H 8/12/03
Sixth Appellate District Denial Santa Clara County	Exhibit I 3/24/06
California Supreme Court Denial	Exhibit J 7/19/06
Declaration of Mary Smith	1
Declaration of Jeff Hancock	2
Declaration of Eben Kurtzman	3
Declaration of Candace Hale	4
Declaration of Dr. John Shields	5
Reporters Transcripts	RT 21-544
Clerk Transcripts	CT 6-283
P.E.	2,3
AAF	4052
Jail Hospital Administration Record	8652
Discharge Summary	MR#700168

1 THE WITNESS: SORRY ABOUT THAT.

2 Q (BY MR. DEMERTZIS) AND THE REASON FOR THAT,  
3 MR. DAVIS, IS SO THAT THE REPORTER CAN TAKE DOWN EVERYTHING  
4 WE'RE SAYING AND THE RECORD WILL BE CLEAR.

5 A OKAY.

6 Q DO YOU KNOW A PERSON BY THE NAME OF JEFF HANCOCK?

7 A YES, I DO.

8 Q DO YOU SEE HIM IN THE COURTROOM NOW?

9 A YES.

10 Q PLEASE POINT HIM OUT, WHERE HE'S SITTING AND WHAT HE'S  
11 WEARING.

12 A HE'S SITTING RIGHT OVER HERE IN A TIE AND A BEIGE  
13 SHIRT.

14 MR. DEMERTZIS: YOUR HONOR, MAY THE RECORD REFLECT  
15 MR. DAVIS HAS IDENTIFIED THE DEFENDANT?

16 THE COURT: IT WILL.

17 Q (BY MR. DEMERTZIS) HOW DO YOU KNOW THE DEFENDANT?

18 A HOW DO I KNOW HIM?

19 Q YEAH, HOW DO YOU KNOW HIM? WHEN DID YOU MEET HIM?  
20 WHAT KIND OF RELATIONSHIP DID YOU HAVE?

21 A WE WERE PRETTY GOOD FRIENDS. I MET HIM PROBABLY A  
22 COUPLE OF YEARS AGO. A LITTLE FURTHER BACK THAN THAT.  
23 MAYBE THREE YEARS.

24 Q AT SOME POINT WERE YOU AND THE DEFENDANT LIVING  
25 TOGETHER?

26 A YES.

27 Q WHERE WAS THAT?

28 A WE LIVED OFF OF JOHANNA AND THEN OFF OF CALIENTE.

1 A NOT REALLY DRUNK, NO. I HAD A BUZZ ON, BUT I WASN'T  
2 DRUNK, LIKE STUMBLING DRUNK, OR DRUNK OR ANYTHING.

3 Q I DON'T MEAN TO EMBARRASS YOU, MR. DAVIS, SO THAT --

4 A I AM EMBARRASSED.

5 Q I KNOW. I GOT TO ASK YOU A COUPLE OF QUESTIONS, AND I  
6 WON'T SPEND MUCH TIME ON IT, BUT SO THE JURY WILL  
7 UNDERSTAND. AUGUST OF LAST YEAR WOULD YOU CONSIDER YOURSELF  
8 AN ALCOHOLIC?

9 A OH, YES.

10 Q WOULD YOU CONSIDER YOURSELF AN ALCOHOLIC TODAY?

11 A YEAH. I'VE BEEN AN ALCOHOLIC FOR A LONG TIME. I BEEN  
12 IN RECOVERY ON AND OFF FOR YEARS. I HAD LIKE ALMOST NINE  
13 YEARS SOBER, AND I BLEW IT.

14 Q WHEN DID YOU BLOW IT?

15 A I REALLY WENT OFF THE WAGON REAL BAD WHEN MY WIFE  
16 DIED.

17 Q I'M SORRY TO HEAR ABOUT THAT.

18 A YEAH, IT WAS A BUMMER.

19 Q ON AUGUST 7TH OF LAST YEAR WOULD YOU CALL YOURSELF A  
20 FUNCTIONING ALCOHOLIC? DO YOU KNOW WHAT I MEAN BY THAT?

21 A YES, I DO.

22 Q WHAT IS YOUR UNDERSTANDING OF THAT PHRASE?

23 A SOME PEOPLE DRINK AND GO TO WORK. THAT'S A  
24 FUNCTIONING ALCOHOLIC.

25 Q AND THAT'S HOW YOU WOULD CHARACTERIZE YOURSELF AT THAT  
26 TIME?

27 A YES. I HAD A PART-TIME JOB. I DIDN'T MAKE MUCH  
28 MONEY. BUT I WOULDN'T REALLY CATEGORIZE MYSELF AS

1 FUNCTIONAL.

2 Q WHAT I'M GETTING AT IS ALTHOUGH YOU WERE SOMEWHAT  
3 DRUNK, OR WHATEVER YOUR STATE OF INTOXICATION WAS, DO YOU  
4 REMEMBER EVENTS FROM AUGUST 7TH OF LAST YEAR?

5 A MOST OF THEM.

6 Q ALL RIGHT.

7 A I HAD -- I'VE HAD SOME TIME TO THINK ABOUT IT, AND I  
8 KIND OF HAD SOME RECOLLECTION ON -- MORE THAN I REMEMBERED  
9 THE FIRST TIME I TESTIFIED.

10 Q SURE. THAT'S A COMMON EXPERIENCE.

11 A I MEAN I WASN'T TRYING TO LIE OR ANYTHING. I JUST  
12 DIDN'T REMEMBER EVERYTHING.

13 Q THAT'S FAIR. WE'LL GET TO YOUR PREVIOUS TESTIMONY IN  
14 JUST A MINUTE. THE POINT I'M TRYING TO MAKE NOW IS YOU  
15 WEREN'T -- OR AREN'T ONE OF THOSE PEOPLE THAT DRINKS AND  
16 PASSES OUT AND FORGETS WHAT HE DID?

17 A I'VE HAD BLACKOUTS.

18 Q DID YOU HAVE ONE ON THIS DAY?

19 A NO.

20 Q SO YOU REMEMBER WHAT HAPPENED THAT DAY?

21 A PRETTY MUCH, YEAH.

22 Q WHEN YOU WENT BACK TO JEFF'S APARTMENT -- AND WHEN I  
23 SAY "JEFF," YOU KNOW I'M TALKING ABOUT THE DEFENDANT; RIGHT?

24 A YES.

25 Q WHEN YOU WENT BACK TO JEFF'S APARTMENT, WERE YOU JUST  
26 SITTING THERE?

27 A I WAS JUST SITTING OUTSIDE THE DOOR.

28 Q DID YOU FALL ASLEEP?

1       HERE AND DO THIS, YOU KNOW.

2       Q       LET ME ASK YOU, MR. DAVIS, DID THE DEFENDANT AT ANY  
3       POINT PUT HIS HANDS ON YOU?

4       A       ONLY THAT ONE NIGHT.

5       Q       WELL, THAT'S WHAT WE'RE TALKING ABOUT.

6       A       YEAH.

7       Q       SO WHAT DID HE DO?

8       A       I HAVE TO GO OVER THIS AGAIN?  LITERALLY BEAT ME UP  
9       AND STOMPED ON ME.

10      Q       HOW DID THAT START?  DID YOU HIT HIM?

11      A       NO.

12      Q       DID YOU CHALLENGE HIM --

13      A       NOT AT FIRST.  I MAY HAVE HIT HIM IN DEFENDING MYSELF  
14      LATER.  BUT I'M NOT POSITIVE ON THAT EITHER.  I WAS PRETTY  
15      GROGGED OUT AND BEAT UP.

16      Q       DID YOU CHALLENGE HIM TO FIGHT?

17      A       NO.

18      Q       ARE YOU THAT TYPE?

19      A       NOT AT ALL.  I'D BE A FOOL TO DO THAT.  HE'S WAY  
20      BIGGER THAN ME.  I DON'T DO THAT -- YOU KNOW, IF SOMEBODY  
21      WAS HURTING MY MOM OR MY BROTHERS OR, YOU KNOW, GIRLFRIEND  
22      OR SOMETHING, THEN, YOU KNOW, I'LL DEFEND.

23      Q       SO ANY KIND OF PHYSICAL INTERACTION BETWEEN YOU AND  
24      THE DEFENDANT WAS INITIATED BY HIM; IN OTHER WORDS, HE HIT  
25      YOU FIRST?

26      A       YEAH.

27      Q       SEE, NOW, YOU HESITATED WITH THAT ANSWER.  IS THAT  
28      BECAUSE YOU'RE TRYING TO PROTECT HIM?

1 BEAT UP PRETTY BAD.

2 Q DID THE DEFENDANT KICK YOU?

3 A YES.

4 Q HOW MANY TIMES DID THE DEFENDANT KICK YOU?

5 A ONE, TWO, MANY TIMES.

6 Q HOW LONG DID THIS BEATING LAST?

7 A IT DIDN'T LAST VERY LONG -- MINUTE, TWO MINUTES.

8 Q WHILE HE WAS HITTING YOU, DID YOU DEFEND YOURSELF?

9 A PUT MY ARMS UP, LIKE THIS (INDICATING).

10 MR. DEMERTZIS: FOR THE RECORD MR. DAVIS HELD UP  
11 BOTH OF HIS HANDS APPROXIMATELY EYE LEVEL IN FRONT OF HIS  
12 FACE.

13 THE COURT: FOR THE RECORD HE DID THAT.

14 Q (BY MR. DEMERTZIS) DID YOU PUNCH THE DEFENDANT?

15 A I THINK I DID BUT, YOU KNOW, I'M NOT REAL POSITIVE ON  
16 THAT. YOU KNOW, I COULDN'T BE REAL POSITIVE. I KNOW I WAS  
17 GOING LIKE THAT (INDICATING), YOU KNOW. I DON'T KNOW. I  
18 MAY HAVE.

19 MR. DEMERTZIS: FOR THE RECORD DEFENDANT MADE  
20 ESSENTIALLY THE SAME GESTURE BUT NOW KIND OF PUNCHED WITH  
21 BOTH HANDS.

22 THE COURT: YES.

23 Q (BY MR. DEMERTZIS) YOU'VE SEEN A BOXING MATCH WHERE  
24 TWO GUYS ARE GOING AT IT, THEY'RE BOTH FIGHTING?

25 A YES.

26 Q WOULD YOU CHARACTERIZE WHAT WAS GOING ON THAT DAY AS A  
27 BOXING MATCH, A FIGHT BETWEEN TWO GUYS?

28 A NO.

1 Q HOW WOULD YOU CHARACTERIZE IT?

2 A I WOULD CHARACTERIZE IT AS ME GETTING JUMPED ON, YOU  
3 KNOW. I WASN'T SUSPECTING ANYTHING LIKE THAT WAS GOING TO  
4 HAPPEN AND IT WAS A SURPRISE AND --.

5 Q YOU TOLD US THAT YOU GOT JUMPED ON, WHICH BEGS THE  
6 QUESTION, HOW WERE YOU POSITIONED WHEN THIS BEATING STARTED?  
7 WERE YOU STANDING? WERE YOU SITTING? WERE YOU LAYING?

8 A I WAS SITTING. I GOT DRAGGED ON THE EXPOSED AGGREGATE  
9 CONCRETE, AND JEFF GAVE ME A BOOT MASSAGE.

10 Q I'M GLAD YOU CAN LAUGH ABOUT IT LATER. YOU WERE  
11 DRAGGED FROM WHERE TO WHERE?

12 A ONLY A FEW FEET AWAY FROM THE FRONT DOOR, LIKE MAYBE,  
13 YOU KNOW, TEN FEET.

14 MR. DEMERTZIS: YOUR HONOR, SHOWING THE DEFENDANT  
15 WHAT'S BEEN MARKED AS PEOPLE'S 8 FOR IDENTIFICATION.

16 Q (BY MR. DEMERTZIS) MR. DAVIS, WOULD YOU PLEASE TAKE A  
17 LOOK AT THAT PHOTOGRAPH AND TELL ME IF YOU RECOGNIZE WHAT'S  
18 SHOWN THERE. DO YOU RECOGNIZE WHAT'S SHOWN THERE?

19 A YES.

20 Q IS THAT THE WALKWAY OUTSIDE OF JEFF'S APARTMENT?

21 A YES.

22 Q IS THAT THE AREA WHERE YOU WERE DRAGGED?

23 A AROUND THE CORNER?

24 Q YES.

25 A YES.

26 MR. DEMERTZIS: YOUR HONOR, AT THIS TIME THE  
27 PEOPLE MOVE TO HAVE EXHIBIT 8 ADMITTED INTO EVIDENCE.

28 THE COURT: ANY OBJECTION?

1 TALK ABOUT THEM YOU MAY REMEMBER MORE, BUT I ONLY WANT YOU  
2 TO TELL US WHAT YOU REMEMBER HAPPENED. SO LET ME ASK THE  
3 QUESTION AGAIN. DO YOU REMEMBER THE DEFENDANT GRINDING YOUR  
4 FACE INTO THE ASPHALT?

5 A YEAH. YES.

6 Q YOU DIDN'T HAVE ANY SORT OF WEAPON, DID YOU?

7 A NO, I DON'T CARRY WEAPONS. POCKETKNIFE ONCE IN A  
8 WHILE, BUT I DIDN'T HAVE ONE THEN.

9 Q WHEN YOU SAY POCKETKNIFE --

10 A ONE OF THOSE LITTLE --

11 Q SIR, I GOT TO GET THE QUESTION OUT OR IT WON'T MAKE  
12 SENSE. I'M SORRY. I KNOW. I DO THIS, AND YOU DON'T, AND  
13 IT'S GETTING CONVERSATIONAL --

14 A I'M A TAD NERVOUS HERE.

15 Q WHEN YOU SAY POCKETKNIFE, WHAT ARE YOU TALKING ABOUT?

16 A OH, ONE OF THOSE LITTLE SWISS ARMY ONES.

17 Q WHAT DO YOU USE THAT FOR?

18 A CLEANING YOUR FINGERNAILS. GOT A FILE ON IT, A  
19 TOOTHPICK, TWEEZERS. I BEEN CARRYING A POCKETKNIFE SINCE I  
20 WAS A LITTLE BOY.

21 Q DID YOU PULL ANY KIND OF WEAPON ON --

22 A NO, NO.

23 Q DID YOU PULL ANY KIND OF WEAPON ON THE DEFENDANT?

24 A NO.

25 Q WERE YOU EVEN CARRYING ANY KIND OF WEAPON THAT DAY?

26 A NO. I DIDN'T HAVE A KNIFE WITH ME.

27 Q AT SOME POINT THE BEATING STOPPED; RIGHT?

28 A YES.

1 Q WHERE WERE YOU WHEN THE BEATING STOPPED?

2 A I WAS LAYING ON THE CONCRETE.

3 Q WHERE EXACTLY?

4 A LIKE AROUND THE CORNER FROM THE FRONT DOOR. ABOUT TEN  
5 FEET AWAY.

6 Q THIS PICTURE ON THE PROJECTOR RIGHT NOW, IF YOU WERE  
7 LAYING WHERE YOU WERE THAT DAY WHEN THE BEATING STOPPED,  
8 WOULD WE BE ABLE TO SEE YOU IN THAT PICTURE?

9 A NO, BECAUSE I WOULD BE RIGHT AROUND THE CORNER.  
10 THAT'S WHEN I KIND OF CRAWLED OVER HERE, BY THE FRONT DOOR.  
11 I REMEMBER DOING THAT. IT WAS HARD.

12 Q AFTER THE BEATING STOPPED, YOU CRAWLED BACK TOWARD THE  
13 FRONT DOOR?

14 A YES.

15 Q WHERE DID THE DEFENDANT GO THAT YOU SAW?

16 A HE WENT BACK INTO THE APARTMENT, INTO HIS ROOM.

17 Q DID YOU SEE HIM AGAIN AT ANY POINT?

18 A YEAH, HE CAME BACK OUT.

19 Q HOW LONG WAS HE GONE?

20 A MAYBE A MINUTE.

21 Q WHAT HAPPENED WHEN HE CAME BACK OUT A MINUTE AFTER THE  
22 BEATING STOPPED?

23 A I'D LIKE MADE IT TO HERE.

24 Q YOU'RE POINTING OUT THE PICTURE, WHICH IS PEOPLE'S 8.

25 A AND I WAS SITTING UP, AND HE STABBED ME.

26 Q HOW DO YOU KNOW HE STABBED YOU?

27 A BECAUSE I FELT IT.

28 Q WHAT DID YOU FEEL?

1 A PAIN BACK HERE IN MY BACK AND --

2 MR. DEMERTZIS: WHEN YOU MAKE A GESTURE, WE ALL  
3 KNOW WHAT YOU DID, BUT WE NEED TO GET IT ON THE RECORD, SO  
4 I'M GOING TO EXPLAIN IT. YOU'RE USING YOUR --

5 THE COURT: I DIDN'T SEE IT SO HAVE HIM EXPLAIN  
6 WHAT HE DID, IF HE KNOWS.

7 MR. DEMERTZIS: ALL RIGHT, YOUR HONOR.

8 Q (BY MR. DEMERTZIS) YOU JUST MADE A GESTURE WITH YOUR  
9 LEFT ARM. PLEASE DESCRIBE THAT GESTURE. WHAT WERE YOU  
10 DOING?

11 A I WAS SITTING UP --

12 Q NO, MY QUESTION IS HOW DO YOU KNOW YOU GOT STABBED,  
13 AND YOU SAID I HAD A SHARP PAIN, AND YOU REACHED BEHIND YOUR  
14 BACK. DESCRIBE THE GESTURE YOU JUST MADE.

15 A IT WAS RIGHT HERE.

16 MR. DEMERTZIS: IF I MAY, FOR THE RECORD HE'S  
17 REACHING BACK WITH HIS LEFT ARM TO MIDWAY ON YOUR BACK.

18 THE COURT: IS THAT WHAT YOU DID?

19 THE WITNESS: YES.

20 THE COURT: THANK YOU.

21 MR. KURTZMAN: ON THE LEFT-HAND SIDE.

22 THE COURT: IS THAT RIGHT, LEFT-HAND SIDE? I  
23 WASN'T ABLE TO SEE IT.

24 THE WITNESS: YES.

25 THE COURT: VERY WELL. THANK YOU.

26 Q (BY MR. DEMERTZIS) AFTER YOU FELT THIS SHARP PAIN,  
27 DID YOU LOOK AT THE DEFENDANT?

28 A YES.

1 Q WHY DO YOU SAY THAT?

2 A I THINK HE WAS IN A BLACKOUT FROM DRINKING. HE'D  
3 NEVER DONE ANYTHING LIKE THAT. I'VE NEVER SEEN HIM GET LIKE  
4 THAT BEFORE EVER. I DON'T KNOW WHAT SNAPPED ON HIM BUT --  
5 YOU DON'T BEAT UP ON YOUR FRIENDS. I JUST DON'T THINK HE  
6 KNEW WHAT HE WAS DOING, TO TELL YOU THE TRUTH.

7 Q DO YOU KNOW HOW MUCH HE HAD TO DRINK THAT NIGHT?

8 A HOW MUCH I HAD TO DRINK?

9 Q NO, HOW MUCH HE HAD TO DRINK.

10 A NO.

11 Q SO YOU HAVE NO IDEA --

12 A PROBABLY TOO MUCH.

13 Q BUT YOU HAVE NO IDEA?

14 A I PROBABLY HAD A LITTLE TOO MUCH TOO.

15 Q BUT YOU HAVE NO IDEA WHAT HIS STATE OF SOBRIETY WAS?

16 A I HAVE AN IDEA.

17 Q OKAY, WHAT'S THAT IDEA?

18 A THAT HE DRANK ENOUGH TO LIKE MAYBE GET INTO A  
19 BLACKOUT. THAT'S TOO MUCH DRINKING. IT'S HAPPENED TO ME  
20 BEFORE.

21 MR. DEMERTZIS: YOUR HONOR, THE LAST COUPLE OF  
22 ANSWERS THAT MR. DAVIS HAS GIVEN HAVE BEEN SPECULATION AS TO  
23 THIS BLACKOUT, AND THE PEOPLE WOULD MOVE AS NONRESPONSIVE  
24 AND TO HAVE REFERENCE TO BLACKOUT REMOVED FROM THE RECORD.

25 THE COURT: WELL, I THINK IT'S RESPONSIVE TO YOUR  
26 EARLIER QUESTION AS TO HIS IDEA OF HOW MUCH HE HAD TO DRINK.  
27 I'M GOING TO OVERRULE THE OBJECTION.

28 Q (BY MR. DEMERTZIS) YOU DON'T KNOW HOW MUCH THE

1 DEFENDANT DRANK, DO YOU?

2 A NOT EXACTLY, NO.

3 Q OKAY, GIVE US AN IDEA THEN.

4 MR. KURTZMAN: YOUR HONOR, AT THIS POINT I WILL  
5 OBJECT AS SPECULATION. THE PREVIOUS TESTIMONY IS THAT HE  
6 LEFT THE PARK OVER AN HOUR BEFORE THE DEFENDANT DID.

7 THE COURT: OVERRULED.

8 THE WITNESS: WOULD YOU REPEAT THAT QUESTION,  
9 PLEASE?

10 Q (BY MR. DEMERTZIS) DO YOU REALLY THINK THE DEFENDANT  
11 DIDN'T KNOW WHAT HE WAS DOING, OR ARE YOU SAYING THIS NOW TO  
12 MINIMIZE WHAT HE DID TO YOU AND TO TRY AND PROTECT HIM?

13 A WELL, I'VE HAD A LOT OF TIME TO THINK ABOUT THIS, AND  
14 I JUST THINK THAT HE WAS DRUNK, HE WAS OUT OF LINE BECAUSE  
15 HE DIDN'T KNOW WHAT HE WAS DOING AT THE TIME AND, YOU KNOW,  
16 MAYBE HE DID. I CAN'T READ MINDS, YOU KNOW, BUT I DON'T SEE  
17 WHY HE WOULD WANT TO DO THAT, THOUGH, UNLESS YOU'RE OUT OF  
18 IT.

19 Q WELL, YOU MIGHT NOT WANT TO DO IT.

20 A I MIGHT -- NO.

21 Q MR. DAVIS, DID THE DEFENDANT STAB YOU JUST THE ONE  
22 TIME?

23 A TWICE.

24 Q WHAT WAS THE OTHER STABBING?

25 A ONE RIGHT IN THE HAND HERE WHEN I WAS LIFTING MY HANDS  
26 UP.

27 Q COULD YOU DESCRIBE WHERE YOU'RE POINTING?

28 A RIGHT HERE WHERE THAT SCAR IS.

1 MR. DEMERTZIS: FOR THE RECORD YOUR HONOR,  
2 MR. DAVIS IS POINTING TO THE AREA BETWEEN HIS LEFT INDEX  
3 FINGER AND THUMB.

4 THE COURT: YES, HE DID.

5 Q (BY MR. DEMERTZIS) HOW DID THAT SECOND STAB WOUND  
6 HAPPEN? ACTUALLY, I CALLED IT SECOND. WAS THIS AREA ON  
7 YOUR LEFT HAND, WAS THAT THE SECOND STABBING, SO IT HAPPENED  
8 AFTER THE FIRST STABBING?

9 A YEAH, YEAH.

10 Q AND HOW DID THE SECOND STABBING HAPPEN ON YOUR LEFT  
11 HAND?

12 A I WAS JUST GOING LIKE THAT AND, YOU KNOW, "WHAT ARE  
13 YOU DOIN'?"

14 Q YOU WERE HOLDING YOUR ARMS UP IN FRONT OF YOUR FACE.  
15 WHY?

16 A TO TRY TO, YOU KNOW, DEFEND MYSELF.

17 Q ANY OTHER STABBINGS OTHER THAN THE TWO YOU'VE  
18 MENTIONED?

19 A NO.

20 Q AFTER THE SECOND STABBING WHAT DID THE DEFENDANT DO?  
21 BEFORE YOU ANSWER THAT QUESTION, THE SECOND STABBING  
22 YOU'RE STILL ON THE GROUND?

23 A RIGHT.

24 Q SITTING DOWN? LAYING DOWN? HOW ARE YOU ON THE  
25 GROUND?

26 A I WAS SITTING UP, AND THEN I JUST LAID DOWN, AND HE  
27 WENT IN THE APARTMENT.

28 Q AFTER THE SECOND STABBING YOU LAID DOWN, THE DEFENDANT

1 WENT INTO THE APARTMENT?

2 A YES.

3 Q WHAT HAPPENED NEXT?

4 A THAT'S WHAT'S KIND OF VAGUE. ONE OF THE -- OUR  
5 NEIGHBORS, PETE, CAME OVER. I GUESS HE HEARD SOME COMMOTION  
6 OR SOMETHING. HE HELPED ME THERE AND PATCHED ME UP, PUT A  
7 WET RAG ON MY BACK AND MY FACE.

8 Q WHEN YOU SAY PETE, ARE YOU TALKING ABOUT PETER CRAVEN?

9 A YES.

10 Q DO YOU KNOW WHERE HE LIVED AT THE TIME?

11 A YEAH, LIKE TWO DOORS DOWN, SAME COURT.

12 Q DID ANY OF THE OTHER PEOPLE, NOT THE DEFENDANT, DID  
13 ANYONE ELSE BRING YOU INTO THE APARTMENT, INTO DEFENDANT'S  
14 APARTMENT?

15 A I THINK IT WAS JUST PETE. I THINK NEAL UPSTAIRS CAME  
16 DOWN BUT, YOU KNOW, THAT PART I DON'T REMEMBER EXACTLY. I  
17 CAN'T BE A HUNDRED PERCENT.

18 Q WHAT DID THEY DO WHEN THEY BROUGHT YOU BACK IN THE  
19 DEFENDANT'S APARTMENT? DID THEY LAY YOU DOWN, SIT YOU ON A  
20 CHAIR? WHAT DID THEY DO?

21 A THEY LAID ME DOWN AND TRYING TO CLEAN UP MY WOUNDS,  
22 AND THEY CALLED THE PARAMEDICS.

23 Q WHERE WAS THE DEFENDANT WHILE THESE FELLOWS WERE  
24 TAKING CARE OF YOU?

25 A JEFF WAS IN HIS ROOM.

26 Q DID HE EVER COME OUT OF HIS ROOM?

27 A NOT AT THAT TIME.

28 Q THE PARAMEDICS DID SHOW UP THEN?

1 A OH, YES.

2 Q WERE YOU TAKEN TO A HOSPITAL?

3 A YES, STANFORD.

4 Q BEFORE YOU WERE TAKEN TO THE HOSPITAL, SO WE'RE STILL  
5 AT JEFF'S APARTMENT, DID YOU TALK TO POLICE?

6 A I BELIEVE I TALKED TO -- OFFICER KIM?

7 Q YEAH, OFFICER KIM. AN ASIAN OFFICER?

8 A YEAH.

9 Q DID OFFICER KIM ASK YOU WHAT HAPPENED?

10 A HE PROBABLY DID.

11 Q DO YOU REMEMBER --

12 A YOU KNOW WHAT, I DON'T REMEMBER EXACTLY WHAT I TOLD  
13 HIM, TO TELL YOU THE TRUTH.

14 Q AT THE SCENE, AT JEFF'S APARTMENT DO YOU REMEMBER  
15 TELLING OFFICER KIM A STORY ABOUT SOME HISPANIC GUYS AT THE  
16 PARK THAT JUMPED YOU?

17 A YEAH, STUPID.

18 Q WHAT DID YOU TELL OFFICER KIM?

19 A I TOLD HIM I GOT JUMPED IN THE PARK.

20 Q WAS THAT TRUE?

21 A NO, IT WAS A LIE.

22 Q WHY DID YOU SAY THAT TO THE POLICE OFFICER?

23 A BECAUSE I DIDN'T WANT TO SEE JEFF GET IN TROUBLE.

24 Q YOU REMEMBER TESTIFYING AT THE PRELIMINARY HEARING;  
25 RIGHT?

26 A YES, I DO.

27 Q WERE YOU AS ACCURATE AS YOU COULD HAVE BEEN IN YOUR  
28 ANSWERS AT THAT PRELIMINARY HEARING?

1 Q DO YOU REMEMBER ONE OF THE LADIES -- DO YOU REMEMBER  
2 SITTING AT THE TABLE WITH THE LADIES?

3 A YEAH.

4 Q AND YOU HAD A PICNIC PLATE IN FRONT OF YOU; RIGHT?

5 A POSSIBLY. I DON'T REMEMBER EXACTLY WHAT WE HAD TO  
6 EAT.

7 Q DO YOU REMEMBER ONE OF THE LADIES GRABBING YOUR PICNIC  
8 PLATE?

9 A NO, I DON'T REMEMBER THAT. COULD HAVE HAPPENED.

10 Q COULD HAVE HAPPENED?

11 A COULD HAVE. LIKE I SAY, I DON'T REMEMBER.

12 Q DO YOU REMEMBER ONE OF THE LADIES BEING SO UPSET WITH  
13 YOU THAT SHE GRABBED YOUR PICNIC PLATE AND THREW IT AWAY  
14 FROM THE TABLE AND TOLD YOU TO LEAVE?

15 A MAYBE. THAT MIGHT HAVE HAPPENED. I DON'T REMEMBER,  
16 TO TELL YOU THE TRUTH.

17 Q AND THAT'S BASICALLY WHEN YOU DECIDED THAT, YOU KNOW,  
18 IT WAS TIME TO GO?

19 A BETTER HIT THE ROAD, YEAH. I MIGHT HAVE GOT OUT OF  
20 LINE. CAN'T DENY THAT. IT'S HAPPENED BEFORE.

21 Q AND YOU WENT BACK TO JEFF'S AT THAT POINT; CORRECT?

22 A YES.

23 Q AND TWO OR THREE HOURS LATER JEFF CAME HOME; CORRECT?

24 A YEAH, PROBABLY AROUND THEN.

25 Q AND THAT WAS ABOUT TWILIGHT?

26 A YEAH, MAYBE. IT WAS AROUND THAT TIME.

27 Q AND WHEN JEFF GOT HOME, YOU REMEMBER JEFF WALKING  
28 AROUND THE CORNER OF THE APARTMENT?

1 A YEAH, I REMEMBER HIM COMIN' UP.

2 Q DO YOU REMEMBER SEEING HIM COMING UP THE WALKWAY?

3 A YEAH.

4 Q AND YOU WERE JUST SITTING THERE ON THE WALKWAY,  
5 WAITING FOR HIM?

6 A YEAH, THAT'S WHAT I REMEMBER.

7 Q AND YOU HAD BEEN SITTING THERE FOR THE WHOLE TIME  
8 WAITING --

9 A I COULD HAVE BEEN SITTING THERE FOR TWO HOURS. I --  
10 YOU KNOW, I CAN'T TELL YOU EXACTLY.

11 Q KICKING BACK, RELAXING?

12 A YEAH, JUST SITTIN' THERE. IT WAS A NICE EVENING.

13 Q AND WHEN JEFF GOT HOME, YOU GUYS WENT INSIDE; CORRECT?

14 A NO. AS FAR AS I CAN REMEMBER WE DIDN'T AT THAT MOMENT  
15 OF TIME. KIND OF GOT IN A LITTLE VERBAL STUFF. IT WASN'T  
16 REALLY HEAVY, YOU KNOW. I'D BEEN DRINKING AND HE'D BEEN  
17 DRINKING AND JUST GOT -- YOU KNOW, IT ESCALATED INTO, YOU  
18 KNOW, SOMETHING I WISH WOULD HAVE NEVER HAPPENED.

19 Q DO YOU REMEMBER TESTIFYING EARLIER TODAY THAT WHEN  
20 JEFF GOT HOME, YOU GUYS WENT INSIDE AND THEN CAME BACK  
21 OUTSIDE?

22 A I DON'T REMEMBER -- MAYBE I DID SAY THAT. I DON'T  
23 KNOW.

24 Q DO YOU REMEMBER WHAT ACTUALLY HAPPENED? DO YOU  
25 REMEMBER IF YOU WENT INSIDE, ARE YOU CERTAIN THAT YOU DIDN'T  
26 GO INSIDE, OR DO YOU NOT REMEMBER ONE WAY OR THE OTHER?

27 A I'M KIND OF VAGUE ON THAT, TO TELL YOU THE TRUTH.  
28 WHAT DIFFERENCE DOES IT MAKE IF I WENT IN, CAME BACK OUT? I

1 DON'T UNDERSTAND WHAT YOU'RE DOING WITH THIS.

2 Q I'M TRYING TO FIND OUT DO YOU REMEMBER WHETHER OR NOT  
3 YOU WENT INSIDE THE HOUSE WITH JEFF AFTER JEFF GOT HOME FROM  
4 THE PICNIC THAT NIGHT.

5 A I CAN'T TELL YOU A HUNDRED PERCENT ON THAT. MAYBE I  
6 SAID I DID, BUT I DON'T REMEMBER, REALLY, EXACTLY. I DO  
7 REMEMBER GOING IN THERE AFTERWARDS, AFTER, YOU KNOW, THE  
8 THING HAPPENED.

9 Q BUT YOU DON'T HAVE ANY MEMORY ONE WAY OR THE OTHER  
10 WHETHER OR NOT YOU WENT IN WITH JEFF BEFORE THE INCIDENT AND  
11 AFTER THE PICNIC?

12 A I MAY HAVE DONE THAT.

13 Q DO YOU REMEMBER JEFF GIVING YOU A WASHCLOTH AND  
14 TELLING YOU TO GO CLEAN UP YOUR FACE?

15 A HE MIGHT HAVE DONE THAT. I REALLY DON'T REMEMBER. I  
16 DON'T REMEMBER A WHOLE LOT AFTER THAT.

17 Q AFTER THE PICNIC AND BEFORE THE FIGHT WITH JEFF DO YOU  
18 REMEMBER HIM GIVING YOU A WASH CLOTH AND TELLING YOU TO GO  
19 CLEAN UP?

20 A NO. I DON'T THINK THAT HAPPENED.

21 Q AND IS IT THAT YOU DON'T REMEMBER OR YOU'RE SURE THAT  
22 THAT DID NOT HAPPEN?

23 A I'M SURE.

24 Q YOU'RE WEARING GLASSES TODAY. DO YOU TYPICALLY WEAR  
25 GLASSES?

26 A YES.

27 Q WERE YOU WEARING YOUR GLASSES THE DAY OF THE INCIDENT?

28 A MAYBE JUST TO READ, JUST READING GLASSES.

1 Q NOW, AFTER MR. HANCOCK GOT HOME THAT NIGHT, YOU TWO  
2 GOT INTO A VERBAL ALTERCATION; CORRECT?

3 A YEAH. WASN'T MAJOR. BUT YEAH.

4 Q AND AFTER THAT VERBAL ALTERCATION WHERE DID  
5 MR. HANCOCK GO?

6 A WELL, HE GOT PISSED OFF AND STAYED OUTSIDE, AND WE  
7 KIND OF GOT IN A FIGHT THERE, IF YOU WANT TO CALL IT THAT.

8 Q AND YOU GUYS GOT INTO A FIGHT RIGHT THERE IN FRONT OF  
9 THE APARTMENT, IN FRONT OF THE WHOLE UNIVERSE; RIGHT?

10 A RIGHT.

11 Q AND YOU GUYS HAD A RATHER LOUD DISCUSSION BEFORE THE  
12 PHYSICAL FIGHT BROKE OUT; RIGHT?

13 A IT MIGHT HAVE BEEN LOUD.

14 Q YOU GUYS WERE YELLING AT EACH OTHER FOR A FEW MINUTES  
15 BEFORE ANYBODY THREW A PUNCH; RIGHT?

16 A PROBABLY, YEAH, I BELIEVE SO.

17 Q AND NOBODY CAME OUT AND CHECKED TO SEE WHAT THIS BIG  
18 DISTURBANCE WAS, DID THEY?

19 MR. DEMERTZIS: OBJECTION, FOUNDATION.

20 THE COURT: EXPLAIN THAT A LITTLE BIT MORE, THE  
21 OBJECTION.

22 MR. DEMERTZIS: WE DON'T KNOW IF SOMEBODY PEEKED  
23 OUT A WINDOW, STUCK THEIR HEAD OUT THE DOOR.

24 THE COURT: I THINK THE QUESTION IS NO ONE CAME  
25 OUTSIDE. SO I'LL ASK YOU, SIR, TO ANSWER THAT IF YOU KNOW.  
26 DID ANYONE COME OUTSIDE TO SEE -- AT LEAST AT THIS POINT  
27 WE'RE WITH A VERBAL ARGUMENT YOU WERE HAVING WITH THE  
28 DEFENDANT. DID ANYBODY COME OUT TO SEE, TO YOUR KNOWLEDGE?

1 THE WITNESS: AS FAR AS I CAN RECALL, NO.

2 Q (BY MR. KURTZMAN) AND EVENTUALLY THIS VERBAL  
3 ALTERCATION BECAME PHYSICAL?

4 A YEAH.

5 Q JEFF'S HOUSE, HE'S GOT A WOODEN DOOR AND THEN A SCREEN  
6 DOOR; RIGHT?

7 A YEAH.

8 Q IT WAS AUGUST, AND AT THAT POINT ONLY THE SCREEN DOOR  
9 WAS CLOSED SO THE HOUSE COULD AIR OUT; RIGHT?

10 A PROBABLY.

11 Q TAKING ADVANTAGE OF THE TWILIGHT AND HOW IT WAS  
12 COOLING OFF?

13 A YEAH, PROBABLY SO.

14 Q DO YOU REMEMBER THE WOODEN DOOR BEING OPEN AND THE  
15 SCREEN DOOR CLOSED?

16 A WHEN I FIRST GOT THERE, BOTH OF THOSE WERE CLOSED.

17 Q RIGHT. I'M TALKING ABOUT BEFORE THE FIGHT STARTED.  
18 THE WOODEN DOOR WAS OPEN AND THE SCREEN DOOR WAS CLOSED?

19 A I DON'T REMEMBER THAT.

20 Q SO YOU HAD THE VERBAL ALTERCATION AND THEN IT BECAME  
21 PHYSICAL; CORRECT?

22 A YES.

23 Q AND THIS IS ALL HAPPENING RIGHT THERE IN FRONT OF  
24 JEFF'S DOOR; CORRECT?

25 A THEREABOUTS.

26 Q AND YOU DON'T KNOW, BUT YOU THINK YOU MAY HAVE THROWN  
27 ONE PUNCH AT JEFF; CORRECT?

28 A CORRECT.

1 Q AND YOU HAVE MEMORY OF TRYING TO CRAWL IN THERE;  
2 RIGHT?

3 A YEAH.

4 Q SO YOU DIDN'T STAND UP --

5 A I THINK ONE OF THE NEIGHBORS CAME DOWN AT THAT TIME  
6 AND HELPED ME. I DON'T REMEMBER EVERYTHING ABOUT THAT  
7 AFTERWARDS.

8 Q SO IN BETWEEN THE TWO INCIDENTS YOU THINK ONE OF THE  
9 NEIGHBORS CAME DOWN TO HELP YOU?

10 A YEAH, YEAH.

11 Q WHICH NEIGHBOR WAS THAT?

12 A PETER.

13 Q PETER? OKAY. AND PETER WAS HELPING YOU?

14 A YES.

15 Q AND AS WE'RE TALKING, SOUNDS LIKE THE MEMORY IS COMING  
16 BACK TO YOU A LITTLE MORE CLEARLY.

17 A YES, SOMEWHAT, YEAH.

18 Q SO NOW YOU'RE FAIRLY CONFIDENT THAT IN BETWEEN THE TWO  
19 INCIDENTS PETER CAME DOWN AND HELPED YOU; RIGHT?

20 A YEAH.

21 Q AND THEN MR. HANCOCK CAME BACK OUT?

22 A I THINK THAT'S WHEN HE CAME OUT AND GAVE ME A  
23 WASHCLOTH. I THINK THAT'S WHAT YOU WERE REFERRING TO  
24 EARLIER.

25 Q SO MR. HANCOCK ACTUALLY CAME OUTSIDE AND GAVE YOU A  
26 WASHCLOTH?

27 A THAT WAS INSIDE, WHAT I REMEMBER. HE MAY HAVE COME  
28 OUTSIDE. I DON'T THINK SO, THOUGH. I THINK HE CAME OUT AND

1 HE WENT BACK IN HIS ROOM AND THE PARAMEDICS CAME AND ALL  
2 THAT.

3 Q THE SECOND TIME MR. HANCOCK CAME OUT OF THE APARTMENT,  
4 DO YOU REMEMBER SEEING HIM COME OUT OF THE APARTMENT?

5 A YOU KNOW, I THINK I HAD MY BACK TURNED. BUT HE DID  
6 COME OUT, BUT I DON'T REMEMBER WATCHING, YOU KNOW, VISIBLY  
7 SEEING HIM COME OUT. I DON'T REMEMBER THAT.

8 Q YOU HAD YOUR BACK TO THE DOOR OF THE APARTMENT?

9 A YEAH, I THINK SO.

10 Q WHEN MR. HANCOCK CAME OUT OF THE APARTMENT, YOU THINK  
11 -- THE SECOND TIME YOU THINK YOU HAD YOUR BACK TO THE DOOR?

12 A I DON'T BELIEVE SO.

13 Q AND THIS WAS BEFORE YOU WERE STABBED; CORRECT?

14 A YES.

15 Q SO YOU WERE TRYING TO CRAWL TOWARD THE APARTMENT, AND  
16 THEN MR. HANCOCK CAME OUT; CORRECT?

17 A YES.

18 Q AND WHEN MR. HANCOCK CAME OUT, HE JUST WALKED RIGHT UP  
19 AND STABBED YOU; CORRECT?

20 A I'M PRETTY SURE THAT'S HOW THAT HAPPENED.

21 Q YOU'RE PRETTY SURE. YOU HAVE SOME DOUBTS NOW?

22 A NO. THAT'S WHAT HAPPENED.

23 Q AND YOU WERE SITTING ON THE GROUND OR LAYING ON THE  
24 GROUND WHEN THIS HAPPENED?

25 A NO, I WAS SITTIN' UP, I THINK.

26 Q WITH YOUR BACK TO THE DOOR?

27 A YEAH.

28 Q AND MR. HANCOCK CAME UP FROM BEHIND AND STABBED YOU;

1 WOUND ON YOUR HAND?

2 A YES.

3 Q AND YOU SAID THAT WAS ANOTHER STAB WOUND, DIDN'T YOU?

4 A YES.

5 Q THAT WAS FROM THE SAME KNIFE, WASN'T IT?

6 A YES, I GUESS. YEAH.

7 Q DO YOU REMEMBER CLEARLY?

8 A I JUST REMEMBER GOING LIKE THIS, KIND OF DEFENDING  
9 MYSELF. GOT NICKED ON THE HAND THERE. NOTHING REAL  
10 SERIOUS.

11 Q AND THAT WAS AFTER YOU WERE STABBED IN THE BACK,  
12 RIGHT?

13 A YEAH.

14 Q AND SO AFTER YOU WERE STABBED IN THE BACK, JEFF CAME  
15 AROUND IN FRONT OF YOU AND ATTACKED YOU AGAIN WITH THE  
16 KNIFE; RIGHT?

17 A I DON'T REMEMBER THAT. I COULD HAVE BEEN TURNIN' OR  
18 (INDICATING) --

19 Q WELL, UP UNTIL NOW YOU'VE ALWAYS TESTIFIED THAT YOU  
20 HAD YOUR HANDS UP IN FRONT OF YOUR FACE.

21 A RIGHT. SO HE COULD HAVE BEEN IN FRONT OF ME, YEAH.

22 Q DO YOU REMEMBER JEFF COMING AROUND THE FRONT OF YOU?

23 A NOT EXACTLY. LIKE I SAID, I DIDN'T SEE ANY WEAPON  
24 SO --.

25 Q DO YOU REMEMBER ADDITIONAL ATTACKS AFTER YOU WERE  
26 STABBED IN THE BACK?

27 A NO. IT ENDED THERE.

28 Q IT ENDED THERE?

1 A YES.

2 Q AND YET YOU'RE SAYING THAT YOU GOT AN ADDITIONAL STAB  
3 WOUND ON YOUR HAND AFTER YOU WERE STABBED IN THE BACK;  
4 RIGHT?

5 A RIGHT.

6 Q WHO GAVE YOU THE ADDITIONAL STAB WOUND IN THE HAND?

7 A I WAS TRYING TO FIGHT OFF JEFF. I THOUGHT HE WAS  
8 GOING TO START DOING SOMETHING ELSE, SOMETHING.

9 Q BUT YOU'VE JUST TESTIFIED MULTIPLE TIMES THAT JEFF  
10 STABBED YOU IN THE BACK AND IMMEDIATELY WENT BACK INTO THE  
11 HOUSE; CORRECT?

12 A NO, I DIDN'T SAY THAT.

13 Q WHAT DID YOU DO AFTER YOU GOT STABBED IN THE BACK?

14 A GOT INSIDE THE APARTMENT. I BELIEVE PETE HELPED ME  
15 GET IN THERE, AND THOSE GUYS HELPED CLEANING ME OFF AND  
16 CALLING THE PARAMEDICS.

17 Q AND PETE HELPED YOU BACK INTO JEFF'S APARTMENT;  
18 CORRECT?

19 A I THINK THAT'S HOW IT HAPPENED. YOU'D HAVE TO ASK  
20 PETE. HE WOULD KNOW.

21 Q DO YOU REMEMBER IF YOU WALKED, IF PETE CARRIED YOU,  
22 HOW YOU GOT BACK INTO THE APARTMENT?

23 A WELL, I KNOW I DIDN'T WALK. HE MIGHT HAVE LIFTED ME  
24 UP OR -- I DON'T KNOW, CARRIED ME IN OR --. I JUST DON'T  
25 REALLY REMEMBER A WHOLE LOT ABOUT THAT LAST PART OF IT  
26 THERE, JUST BITS AND PIECES.

27 Q DO YOU REMEMBER WHERE YOU WERE IN JEFF'S APARTMENT  
28 WHEN YOU WENT INSIDE?

1 A I THINK I WAS IN THE FRONT ROOM.

2 Q IN THE FRONT ROOM?

3 A YEAH, IN THE FRONT ROOM.

4 Q AND YOU REMEMBER IT WAS ACTUALLY ONE OF THE PARAMEDICS  
5 WHO TOLD YOU THAT YOU HAD BEEN STABBED?

6 A I DON'T REMEMBER THAT.

7 Q DO YOU REMEMBER TESTIFYING AT THE PRELIMINARY HEARING  
8 THAT IT WAS THE HOSPITAL PARAMEDICS WHO TOLD YOU YOU'D BEEN  
9 STABBED?

10 A THEY MAY HAVE SAID THAT. PROBABLY DID.

11 Q AND I'M ASKING YOU IS THAT HOW YOU LEARNED YOU WERE  
12 STABBED?

13 A I BELIEVE PETE WAS THE FIRST PERSON TO TELL ME THAT.

14 Q DO YOU REMEMBER TESTIFYING AT THE PRELIMINARY HEARING  
15 THAT IT WAS THE PARAMEDICS AT THE HOSPITAL THAT TOLD YOU YOU  
16 HAD BEEN STABBED?

17 A VAGUELY. THEY PROBABLY DID. I WAS PRETTY HAZED OUT  
18 AT THAT TIME.

19 Q AND THAT WAS YOUR MEMORY AT THE PRELIMINARY HEARING  
20 WHEN YOU TESTIFIED?

21 A I'M SORRY, I DIDN'T UNDERSTAND THE QUESTION.

22 Q THAT WAS THE MEMORY YOU HAD AT THE PRELIMINARY HEARING  
23 WHEN YOU TESTIFIED, WAS THAT THE PARAMEDICS AT THE HOSPITAL  
24 ARE THE ONES THAT TOLD YOU YOU HAD BEEN STABBED; CORRECT?

25 A YEAH, THAT'S PROBABLY CORRECT.

26 Q NOW, YOU'VE HAD OCCASIONS WHEN YOU HAVE BEEN  
27 INTOXICATED TO THE POINT WHERE YOU HAVE FALLEN DOWN;  
28 CORRECT?

1 A YES, AND A FEW OF THEM.

2 Q AND IN FACT ONE OF THESE OCCASIONS HAPPENED ABOUT  
3 THREE DAYS BEFORE THIS INCIDENT; CORRECT?

4 A I DON'T RECALL.

5 Q DO YOU REMEMBER BEING IN THE APARTMENT AND FALLING  
6 WHEN YOU WERE AT THE BATHROOM DOOR ABOUT THREE DAYS BEFORE  
7 THIS INCIDENT?

8 A IT MAY HAVE HAPPENED.

9 Q AND WHEN YOU FELL, YOU ACTUALLY HIT THE CORNER OF THE  
10 MARBLE COUNTERTOP IN THE BATHROOM. DO YOU REMEMBER THAT?

11 A YEAH, I KIND OF DO REMEMBER THAT.

12 Q AS YOU WERE FALLING, YOU SLAMMED INTO THE MARBLE  
13 COUNTERTOP IN THE BATHROOM?

14 A I MAY HAVE.

15 Q AND YOU ACTUALLY HIT IT HARD ENOUGH THAT IT ACTUALLY  
16 SHIFTED. DO YOU REMEMBER THAT?

17 A PROBABLY.

18 Q IT ACTUALLY SHIFTED WITH ENOUGH FORCE THAT IT ACTUALLY  
19 HAD TO HAVE SOME WORK DONE TO REPAIR SOME OF THE -- TO  
20 REPAIR THE FAUCET. DO YOU REMEMBER THAT?

21 A NO.

22 Q DID YOU EVER TAKE A LOOK AT IT AFTER IT SHIFTED?

23 A NO.

24 Q DO YOU REMEMBER WHAT PART OF YOUR BODY HIT THE MARBLE  
25 COUNTERTOP WHEN YOU FELL?

26 A IT WAS EITHER MY BACK OR MY HIP.

27 Q WAS IT -- IT WAS YOUR TORSO?

28 A COULD HAVE BEEN.

1 DAY, HE HAD A PINT OF VODKA THAT YOU GUYS SHARED?

2 A NO, I DON'T REMEMBER THAT. COULD HAVE BUT I DON'T --  
3 I DON'T REMEMBER, SORRY. IT'S A POSSIBILITY.

4 Q SO YOU HAVE NO MEMORY ONE WAY OR THE OTHER. YOU DON'T  
5 SPECIFICALLY REMEMBER IT NOT HAPPENING, YOU JUST DON'T  
6 REMEMBER IT HAPPENING; CORRECT?

7 A CORRECT.

8 Q DO YOU HAVE ANY MEMORY OF GOING INSIDE MR. HANCOCK'S  
9 APARTMENT AFTER HE CAME BACK FROM THE PARK TO DRINK THE  
10 VODKA?

11 A NO, I DON'T.

12 THE COURT: LADIES AND GENTLEMEN, LET'S TAKE A  
13 LITTLE STRETCH BREAK RIGHT HERE FOR 30 SECONDS OR SO.

14 GO AHEAD.

15 Q (BY MR. KURTZMAN) DO YOU REMEMBER TELLING OFFICER KIM  
16 THAT YOU WERE SLEEPING IN FRONT OF MR. HANCOCK'S APARTMENT  
17 WHEN HE CAME HOME?

18 A VAGUELY.

19 Q AND DO YOU REMEMBER TELLING OFFICER KIM THAT WHEN  
20 MR. HANCOCK GOT HOME, YOU TOLD HIM YOU NEEDED TO GET SOME  
21 PAPERS OUT OF HIS APARTMENT?

22 A NO. YOU KNOW, I DON'T REMEMBER THAT.

23 Q YOU DON'T REMEMBER THAT OR YOU DIDN'T SAY IT?

24 A I MAY HAVE SAID IT. I JUST DON'T REMEMBER -- I DON'T  
25 HAVE LIKE TOTAL RECALL OF THAT NIGHT.

26 Q DO YOU REMEMBER TELLING OFFICER KIM THAT YOU IN FACT  
27 DID GO INSIDE THE APARTMENT TO GET THE PAPERS?

28 A NO.

1 A WELL, IT WAS A PUNCTURE WOUND. WHERE ELSE WOULD IT  
2 COME FROM?

3 Q DO YOU SPECIFICALLY REMEMBER BEING STABBED IN THE HAND  
4 WITH THE KNIFE DURING THE INCIDENT?

5 A I REMEMBER HOLDING UP MY HANDS, YOU KNOW, AND SOME  
6 PAIN IN THERE AFTERWARDS. LIKE I SAID BEFORE, I DIDN'T SEE  
7 ANY WEAPON, SO --. IF I DID, I DON'T REMEMBER THAT EITHER.  
8 IT WAS PRETTY FOGGY.

9 Q WHEN YOU TESTIFIED AT THE PRELIMINARY HEARING ABOUT  
10 RECEIVING THE WOUND TO YOUR HAND, DID YOU TELL THE TRUTH?

11 A YES.

12 Q AND DO YOU REMEMBER PREVIOUSLY TESTIFYING THAT YOU DID  
13 NOT REMEMBER HOW YOU RECEIVED THE WOUNDS ON YOUR HAND?

14 A I MAY HAVE SAID THAT.

15 Q OKAY. AND YOU WERE TELLING THE TRUTH THEN?

16 A YEAH.

17 Q OKAY. SO BACK IN OCTOBER YOU DID NOT REMEMBER OR DID  
18 NOT KNOW HOW YOU RECEIVED THE WOUND ON YOUR HAND; RIGHT?

19 A I GUESS YOU COULD ASSUME THAT.

20 Q THAT'S WHAT YOU TESTIFIED TO UNDER OATH; RIGHT?

21 A RIGHT. I WAS TELLING THE TRUTH --

22 Q AND NOW TODAY --

23 A -- YOU KNOW --

24 Q NOW TODAY YOU SPECIFICALLY REMEMBER THE KNIFE CUTTING  
25 YOUR HAND; RIGHT?

26 A SOMETHING SHARP, YES.

27 Q COULD IT HAVE BEEN THE BUSH?

28 A I DON'T THINK SO.

1 Q COULD IT HAVE BEEN ANYTHING OTHER THAN THE KNIFE?

2 A I DON'T BELIEVE SO.

3 Q SO TODAY YOU REMEMBER IT BEING THE KNIFE, BUT YOU  
4 DIDN'T REMEMBER IN OCTOBER; RIGHT?

5 A PARDON ME?

6 Q TODAY YOU REMEMBER IT BEING THE KNIFE THAT CUT YOUR  
7 HAND, BUT YOU DID NOT REMEMBER THAT IN OCTOBER; CORRECT?

8 A YEAH, THAT WOULD PROBABLY BE CORRECT.

9 Q NOW, AFTER YOU WERE STABBED IN THE BACK, DID YOU ROLL  
10 AROUND WITH JEFF AND WRESTLE WITH JEFF?

11 A NO, I DON'T THINK THERE WAS ANY OF THAT GOING ON AFTER  
12 THAT.

13 Q WERE YOU ROLLING AROUND AND WRESTLING WITH JEFF WHEN  
14 YOU FELT THE PAIN IN YOUR HAND?

15 A NO, JUST TRYING TO HOLD MY ARMS UP AND ASKING JEFF,  
16 YOU KNOW, WHAT'S GOIN' ON. YOU KNOW.

17 Q DO YOU REMEMBER TESTIFYING AT THE PRELIMINARY HEARING  
18 THAT YOU WERE ROLLING AROUND THERE ON THE CONCRETE AND "I  
19 DID FEEL A SHARP PAIN IN MY HAND"? DO YOU REMEMBER  
20 TESTIFYING TO THAT?

21 A I PROBABLY DID SAY THAT.

22 Q AND THAT WAS THE TRUTH?

23 A YEAH. I HAVE NO REASON TO LIE ABOUT IT.

24 THE COURT: YOU HAVE TO SPEAK UP. WHAT WAS THE  
25 LAST COMMENT YOU MADE?

26 THE WITNESS: I'M SORRY. OH. I DON'T HAVE ANY  
27 REASON TO LIE ABOUT THAT INCIDENT.

28 Q (BY MR. KURTZMAN) AND WHEN YOU HAD YOUR VERBAL

1 A PETE.

2 Q AND SOMEONE ELSE?

3 A I THINK NEAL CAME DOWN, TOO.

4 Q ALL RIGHT. WHOEVER IT WAS, DO YOU REMEMBER WHAT  
5 EXACTLY THEY DID FOR YOU IN TERMS OF CLEANING YOU UP?

6 A THEY HELD A TOWEL OR TISSUES OR SOMETHING ON MY BACK  
7 AND, YOU KNOW, I THINK THEY PUT A WET CLOTH ON MY FACE.

8 Q THESE FELLAS BROUGHT YOU BACK INTO JEFF'S APARTMENT?

9 A I'M PRETTY SURE PETE DID, I THINK. I DON'T KNOW, I  
10 MAY HAVE CRAWLED IN THERE. I DON'T REMEMBER THAT A HUNDRED  
11 PERCENT.

12 Q FAIR ENOUGH. COULD YOU HAVE BEEN TAKEN INTO THE  
13 KITCHEN?

14 A POSSIBLY.

15 Q SO IF YOUR BLOOD WAS IN THE KITCHEN, MAYBE SOMEONE  
16 TOOK YOU THERE, OR MAYBE YOU WENT THERE YOURSELF?

17 A IT'S A POSSIBILITY TOO.

18 Q YOU JUST DON'T REMEMBER CLEARLY?

19 A NO.

20 Q SIR, WHEN I WAS ASKING YOU QUESTIONS EARLIER, YOU  
21 STARTED TO SAY SOMETHING ABOUT NOT CONTRIBUTING TO THE  
22 APARTMENT OR NOT HELPING OUT -- I CAN'T REMEMBER WHAT IT  
23 WAS -- AND WE MOVED ON.

24 AND I JUST WANT YOU TO EXPLAIN MORE TO THE JURY. I  
25 DON'T EVEN KNOW WHAT YOU WERE TRYING TO SAY. WERE YOU DOING  
26 SOMETHING OR CLOSER TO THE TRUTH NOT DOING SOMETHING THAT  
27 YOU SAY ANNOYED JEFF?

28 A YEAH. I WASN'T HOLDING MY OWN. I WASN'T PAYING RENT,

1 AND OUT OF THE GOODNESS OF HIS HEART HE LET ME STAY THERE.  
2 BECAUSE I WAS PRETTY MUCH OUT OF WORK. I HAD A LITTLE  
3 PART-TIME JOB BUT --.

4 Q WOULD THE DEFENDANT LET YOU KNOW ABOUT IT? WOULD HE  
5 EVER SAY THINGS TO YOU LIKE WHY DON'T YOU CHIP IN --

6 A YEAH.

7 Q -- OR AT LEAST BUY YOUR OWN SMOKES, OR THINGS LIKE  
8 THAT?

9 A YES.

10 Q HOW LONG HAD THAT BEEN GOING ON?

11 A I DON'T KNOW THE EXACT TIME, BUT IT HAD BEEN GOING ON  
12 FOR A WHILE. JEFF WAS GETTING KIND OF PISSED OFF AT ME,  
13 EXCUSE MY LANGUAGE. I DON'T BLAME HIM AT ALL.

14 Q OTHER THAN CONTRIBUTING RENT OR EATING HIS FOOD OR --  
15 I DON'T KNOW WHAT ELSE -- IS THERE ANYTHING ELSE THAT YOU  
16 THINK MAYBE ANNOYED THE DEFENDANT? I MEAN BIGGER THAN THAT.  
17 DID YOU EVER STEAL FROM HIM, FOR INSTANCE?

18 A NO, I NEVER.

19 Q SO IT'S JUST YOU BEING KIND OF A DEADBEAT AROUND THE  
20 APARTMENT?

21 A YES.

22 Q I DON'T MEAN TO EMBARRASS YOU --

23 A IT'S EMBARRASSING. YEAH, THAT'S THE TRUTH.

24 Q -- BUT LET'S CALL A ROSE A ROSE.

25 A YEAH.

26 Q DID YOU GET THE IMPRESSION THAT WHAT HAPPENED ON  
27 AUGUST 7TH WAS KIND OF EVERYTHING COMING TO A HEAD?

28 MR. KURTZMAN: OBJECTION, LEADING, SPECULATION.

1 A IT MAY HAVE BEEN. I'M NOT A HUNDRED PERCENT POSITIVE,  
2 BUT IT'S -- MOST LIKELY, SEEMS TO ME.

3 Q LET ME ASK YOU A MORE DIRECT QUESTION. WERE YOU  
4 TELLING ME THE TRUTH EARLIER TODAY ABOUT WHAT HAPPENED THAT  
5 DAY?

6 A OH, YES.

7 Q SO WHEN JEFF CAME BACK OUT OF THE APARTMENT, YOU DID  
8 FEEL A SHARP PAIN?

9 A YES.

10 Q AND YOU DID THINK THAT YOU GOT STABBED?

11 A YES.

12 Q NOW, YOU HESITATED FOR A MOMENT. WHY DID YOU  
13 HESITATE?

14 A YOU KNOW, WHEN IT HAPPENED I JUST COULDN'T BELIEVE  
15 THIS WAS HAPPENING. I DIDN'T WANT TO BELIEVE IT.

16 Q AND YOU KNEW THAT IT WAS JEFF THAT JUST STABBED YOU?

17 A YEAH.

18 MR. DEMERTZIS: ALL RIGHT, MR. DAVIS. THANK YOU.

19 THE COURT: RECROSS?

20 MR. KURTZMAN: THANK YOU, YOUR HONOR.

21 RECROSS-EXAMINATION

22 Q (BY MR. KURTZMAN) MR. DAVIS, WHEN MR. DEMERTZIS A  
23 MINUTE AGO RESTATED MY QUESTION ABOUT PETER BEING THE FIRST  
24 ONE TO TELL YOU YOU WERE STABBED AND THAT BEING THE FIRST  
25 TIME YOU REALIZED YOU WERE STABBED, YOU ANSWERED HIM YEAH,  
26 THAT THAT'S HOW YOU REMEMBER IT; RIGHT?

27 A WELL, LIKE I SAID, I DON'T REMEMBER A HUNDRED PERCENT,  
28 BUT I'M PRETTY SURE THAT'S WHAT HAPPENED.

1 Q AND THEN AS MR. DEMERTZIS ASKED THE QUESTION A COUPLE  
2 MORE TIMES, YOUR RESPONSES CAME AROUND TO YOU KNEW YOU WERE  
3 STABBED RIGHT AWAY; RIGHT?

4 A YEAH.

5 Q SO BASICALLY YOUR ANSWERS EVOLVED AS MR. DEMERTZIS  
6 PROGRESSED THROUGH HIS QUESTIONS; RIGHT?

7 A PARDON ME?

8 Q YOUR ANSWER CHANGED AS MR. DEMERTZIS WENT THROUGH HIS  
9 LINE OF QUESTIONS; RIGHT?

10 A NO, I DON'T THINK SO.

11 Q YOU'VE TOLD ME THAT THE FIRST TIME YOU REALIZED YOU  
12 WERE STABBED WAS WHEN PETER TOLD YOU; RIGHT?

13 A YEAH, I BELIEVE THAT'S CORRECT.

14 Q YOU'VE ALSO TESTIFIED THAT THE FIRST TIME YOU REALIZED  
15 YOU WERE STABBED WAS WHEN THE PARAMEDICS TOLD YOU AT THE  
16 HOSPITAL; RIGHT?

17 A I MAY HAVE SAID THAT.

18 Q AND YOU'VE ALSO SAID THAT YOU KNEW YOU WERE STABBED  
19 RIGHT AWAY; RIGHT?

20 A YEAH, I FELT IT.

21 Q SO YOU'VE GIVEN THREE DIFFERENT ANSWERS TO THAT  
22 QUESTION, BASICALLY; RIGHT?

23 A THREE DIFFERENT QUESTIONS ASKED.

24 Q OKAY. MR. DAVIS, YOU'VE LIED UNDER OATH; RIGHT?

25 A YEAH, I BENT THE TRUTH THERE.

26 Q AND YOU FEEL VERY GUILTY THAT MR. HANCOCK IS SITTING  
27 HERE NEXT TO ME, DON'T YOU?

28 A YEAH, I DO.

1 THE COURT: FOR THE RECORD THE DEFENDANT.

2 MR. DEMERTZIS: THANK YOU, YOUR HONOR.

3 Q (BY MR. DEMERTZIS) ON AUGUST 7TH OF LAST YEAR DID YOU  
4 STOP BY JEFF'S APARTMENT?

5 A YES.

6 Q WHAT TIME?

7 A I COULDN'T TELL YOU, OTHER THAN THE FACT THAT IT WOULD  
8 BE AFTER WORK, SO SOMETIME AFTER 4:30, 5:00.

9 Q WHY DID YOU STOP?

10 A THERE WAS -- CRAIG WAS IN THE FRONT ROOM WITH ANOTHER  
11 GENTLEMAN WHO I WAS INTRODUCED TO AS DUNCAN AND DUNCAN --  
12 CRAIG WAS SITTING IN A CHAIR, DUNCAN WAS TREATING HIS  
13 WOUNDS.

14 Q YOU SAID CRAIG --

15 A YES.

16 Q DO YOU KNOW CRAIG'S LAST NAME?

17 A NO, NOT OFF THE TOP OF MY HEAD.

18 Q THE PERSON THAT YOU'RE TALKING ABOUT THAT WAS SITTING  
19 IN JEFF'S APARTMENT THAT DAY, IS THAT THE CRAIG WHO'S BEEN  
20 IN AND OUT OF THE COURTROOM TODAY?

21 A YES.

22 Q WEARING THE BEIGE SWEATER?

23 A YES, THAT'S CORRECT.

24 Q SO WHAT EXACTLY WAS CRAIG DOING WHEN YOU SAW HIM IN  
25 JEFF'S APARTMENT?

26 A HE WAS SITTING IN A CHAIR, AND A GENTLEMAN NAMED  
27 DUNCAN WAS TREATING HIS WOUNDS. HE HAD BEEN BEAT UP PRETTY  
28 SERIOUSLY.

1 Q WHY DO YOU SAY THAT, THAT CRAIG HAD BEEN BEAT UP  
2 PRETTY SERIOUSLY?

3 A WELL, HIS FACE WAS VERY BADLY SWOLLEN. THERE WAS CUTS  
4 AND BRUISES, AND BRUISES ON VARIOUS PLACES ON HIS BODY. AND  
5 DUNCAN HAD A T-SHIRT OR TOWEL THAT THEY HAD WADDED UP THAT  
6 HE WAS HOLDING AGAINST CRAIG'S BACK, LOWER LEFT-HAND PORTION  
7 OF HIS BACK.

8 Q NOW, YOU SAID THERE WAS BRUISES ON CRAIG'S BODY. HOW  
9 MUCH OF CRAIG'S BODY COULD YOU SEE? WHAT WAS CRAIG WEARING?

10 A CRAIG DIDN'T HAVE A SHIRT ON AT THE TIME.

11 Q WHERE WERE YOU STANDING WHEN YOU WERE OBSERVING THIS?

12 A JUST INSIDE THE DOORWAY.

13 Q I'M NOT GOING TO HAVE YOU DO A DIAGRAM, BUT IF YOU  
14 COULD IN WORDS EXPLAIN FOR US, PLEASE, WHAT THE LAYOUT OF  
15 THIS APARTMENT IS, AS FAR AS YOU COULD TELL FROM YOUR  
16 VANTAGE POINT OF THE DOORWAY.

17 A THE LAYOUT OF THE APARTMENT WAS SIMILAR TO MINE. IT  
18 WAS A MIRROR IMAGE OF MINE. THE FRONT DOOR COMES INTO THE  
19 FRONT ROOM, WHICH IS -- OR YOU'VE GOT THE DOORWAY, FRONT  
20 ROOM, WHICH IS OFF TO YOUR LEFT, THE KITCHEN OFF TO YOUR  
21 RIGHT, A DOORWAY DIRECTLY IN FRONT OF YOU WHICH LEADS TO A  
22 BEDROOM AND BATHROOM.

23 Q THIS FRONT ROOM THAT YOU DESCRIBED, HOW BIG IS IT?

24 A NINE FEET BY NINE FEET SQUARE.

25 Q WHAT DO YOU DO FOR A LIVING?

26 A I'M A CARPENTER.

27 Q BECAUSE YOU CAME UP WITH THAT PRETTY FAST.

28 A WELL, I'VE MEASURED IT TO DO LAYOUTS FOR CARPET AND

1 A CORRECT.

2 Q DID YOU TALK TO HIM? JEFF, I MEAN.

3 A YES.

4 Q DID YOU ASK HIM WHAT HAPPENED?

5 A YES.

6 Q WHAT DID THE DEFENDANT TELL YOU HAPPENED?

7 A WELL, MY QUESTIONS WERE RATHER SPECIFIC. I WANTED TO  
8 KNOW HOW -- WHAT CRAIG WAS STABBED WITH AND HOW DEEPLY HE  
9 WAS STABBED.

10 Q SO THAT WAS YOUR FIRST QUESTION OUT OF THE GATE, IS  
11 WHAT WAS CRAIG STABBED WITH?

12 A YES, OR TO THAT EFFECT. NOT THOSE EXACT WORDS. AT  
13 THAT POINT MY CONCERN WAS HOW DEEP THE STAB WOUND WAS AND  
14 WHAT WAS USED.

15 Q OTHER THAN YOUR OBSERVATION OF THE WOUND DID YOU HEAR  
16 OR SEE ANYTHING ELSE THAT LED YOU TO BELIEVE IT WAS IN FACT  
17 A STAB WOUND? DID ANYONE ELSE SAY ANYTHING?

18 A DUNCAN MAY HAVE SAID SOMETHING, BUT I DON'T RECALL.

19 Q FAIR ENOUGH. SO YOUR QUESTION IS SOMETHING ALONG THE  
20 LINES OF WHAT WAS CRAIG STABBED WITH?

21 A WHAT WAS HE STABBED WITH AND HOW DEEP.

22 Q DID THE DEFENDANT RESPOND?

23 A YES. HE PICKED UP A KNIFE IN THE KITCHEN. I THINK IT  
24 WAS A STEAK KNIFE OR PARING KNIFE, SOMETHING ABOUT THAT  
25 SIZE, AND USING HIS THUMB SHOWED ME HOW DEEP HE HAD STABBED  
26 CRAIG. HE INDICATED A DEPTH OF ABOUT THREE TO FOUR INCHES.

27 Q WHEN YOU ASKED WHAT CRAIG HAD BEEN STABBED WITH, THE  
28 DEFENDANT WENT TO HIS OWN KITCHEN?

1 A YES.

2 Q AND CAME BACK WITH A STEAK KNIFE?

3 A IT WAS EITHER A STEAK KNIFE OR A PARING KNIFE,  
4 SOMETHING ABOUT THAT SIZE.

5 Q DESCRIBE IT IF YOU CAN.

6 A • BASICALLY THE LENGTH AND SIZE AND SHAPE OF THE STEAK  
7 KNIFE, BUT I DON'T RECALL ANY SERRATIONS ON IT.

8 Q DO YOU RECALL WHAT COLOR THE HANDLE WAS?

9 A WOODEN.

10 Q AND THE BLADE, APPROXIMATELY HOW LONG?

11 A ROUGHLY SIX INCHES, MAYBE A LITTLE LONGER.

12 Q THE DEFENDANT COMES BACK FROM THE KITCHEN HOLDING THIS  
13 KNIFE, AND DOES HE SAY ANYTHING ABOUT THE KNIFE?

14 A HE HELD IT IN HIS HAND WITH HIS THUMB -- BRINGING HIS  
15 THUMB DOWN TO INDICATE HOW DEEP HE HAD STABBED HIM. THAT  
16 WAS MY PRIMARY CONCERN, WAS HOW DEEPLY HE HAD BEEN STABBED.

17 Q YOUR UNDERSTANDING OF THE GESTURE THE DEFENDANT MADE  
18 WAS THAT THE DEFENDANT HAD STABBED HIM THREE OR FOUR INCHES  
19 DEEP?

20 A THAT'S CORRECT.

21 Q DID THE DEFENDANT SAY ANYTHING IN ADDITION TO MAKING  
22 THIS GESTURE?

23 A YES. HOLDING THE KNIFE HE SAID, "I STABBED HIM THIS  
24 DEEP."

25 Q FOR THE RECORD YOU'RE HOLDING YOUR RIGHT HAND OUT AND  
26 THEN YOUR RIGHT THUMB IS EXTENDED.

27 A YES.

28 Q DID THE DEFENDANT DO ANYTHING -- WAS THE DEFENDANT

1       HOLDING THE KNIFE IN HIS RIGHT HAND THE WAY YOU'RE SHOWING  
2       US NOW WITH YOUR RIGHT HAND?

3       A       I'M NOT SURE IF IT WAS HIS RIGHT OR LEFT HAND, BUT HE  
4       HELD IT WITH HIS THUMB ON THE BLADE TO SHOW ME THE DEPTH.

5       Q       I THINK I UNDERSTAND.

6       A       BASICALLY LIKE THAT, TO SHOW ME HOW DEEP.

7       Q       NOW YOU'RE HOLDING A PEN AND PUTTING YOUR THUMB AT A  
8       CERTAIN POINT ON THE PEN?

9       A       THAT'S CORRECT.

10      Q       YOU'RE TRYING TO TELL US THAT HE WAS USING HIS THUMB  
11      TO MARK A SPOT ON THE KNIFE --

12      A       YES.

13      Q       -- TO INDICATE HOW DEEP INTO CRAIG IT WENT?

14      A       THAT'S CORRECT.

15      Q       AND YOUR ESTIMATE OF WHAT THE DEFENDANT WAS SHOWING  
16      YOU WAS HOW LONG AGAIN?

17      A       APPROXIMATELY THREE, MAYBE FOUR INCHES.

18      Q       DID THE DEFENDANT SAY ANYTHING ELSE?

19      A       NOT THAT I RECALL.

20      Q       AT THAT TIME WHAT DID YOU DO? WHAT DID YOU THINK  
21      SHOULD BE DONE?

22      A       AT THAT TIME, BASED ON THE DEPTH INDICATED, I THOUGHT  
23      THAT WE SHOULD CALL CRAIG AN AMBULANCE.

24      Q       HOW WAS THAT SUGGESTION RECEIVED IN JEFF'S APARTMENT?

25      A       CRAIG DID NOT WANT THE PARAMEDICS THERE AND NEITHER  
26      DID JEFF.

27      Q       WHAT DID JEFF SAY?

28      A       I DON'T RECALL THE EXACT WORDS, BUT THEY WERE BOTH

1 ADAMANTLY OPPOSED -- BOTH OF THEM WERE ADAMANTLY OPPOSED TO  
2 HAVING THE PARAMEDICS ARRIVE.

3 Q YOU WEREN'T IN THE COURTROOM, BUT WE KNOW THAT IN FACT  
4 PARAMEDICS DID ARRIVE.

5 A YES.

6 Q AND YOU WERE THERE, SO YOU WOULD KNOW BETTER THAN ANY  
7 OF US. BUT HOW IS IT THAT PARAMEDICS WERE SUMMONED? WHAT  
8 HAPPENED AFTER YOU SAID WE GOT TO CALL AN AMBULANCE, AND  
9 THEY SAID, NO, NO, WE DON'T WANT TO INVOLVE THEM?

10 A BOTH CRAIG AND JEFF WERE ADAMANTLY OPPOSED TO HAVING  
11 THE PARAMEDICS COME, BUT DUNCAN, THE OTHER GENTLEMAN WHO WAS  
12 THERE, AND I CONVINCED THEM THAT CRAIG NEEDED MEDICAL  
13 ATTENTION. BECAUSE OF THE DEPTH OF THE WOUND HE COULD HAVE  
14 INTERNAL BLEEDING OR DAMAGE TO A MAJOR ORGAN.

15 SO AFTER SOME CONVINCING FROM BOTH DUNCAN AND MYSELF  
16 THEY DECIDED TO ALLOW IT, SO HE CALLED THE PARAMEDICS ON MY  
17 CELL PHONE.

18 Q HOW LONG AFTER YOU PLACED THAT CALL THAT THE  
19 PARAMEDICS IN FACT ARRIVED?

20 A I DON'T KNOW THE EXACT TIME. I'D ESTIMATE FIVE TO  
21 SEVEN MINUTES, MAYBE.

22 Q DID YOU MAKE A CALL OUT IN THE LIVING ROOM IN VIEW OF  
23 THE DEFENDANT?

24 A I'M NOT SURE IF I WAS STANDING INSIDE OR STANDING OUT  
25 FRONT.

26 Q WELL, WHILE YOU'RE CALLING THE PARAMEDICS, WHAT WAS  
27 THE DEFENDANT DOING, IF YOU KNOW?

28 A AT THE TIME I WAS CALLING THE PARAMEDICS I COULDN'T

1 TELL YOU WHAT HE WAS DOING.

2 Q DID YOU SEE HIM AFTER YOU GOT OFF THE PHONE?

3 A WELL, HE WAS IN THE APARTMENT, AND DUNCAN AND I BOTH  
4 SUGGESTED THAT HE LEAVE BEFORE THE PARAMEDICS ARRIVED.

5 Q WHY DID YOU SUGGEST THAT?

6 A WELL, IN THE CITY OF SUNNYVALE PARAMEDICS ARE ALSO  
7 POLICE OFFICERS, SO WE THOUGHT IT WOULD BE BETTER FOR HIM IF  
8 HE WASN'T AROUND WHEN THE PARAMEDICS ARRIVED.

9 Q BECAUSE HE MIGHT GET IN TROUBLE?

10 A YES.

11 Q DID THE DEFENDANT LEAVE?

12 A NO.

13 Q WHAT HAPPENED?

14 A HE DIDN'T WANT TO LEAVE, SO WE SUGGESTED THAT HE WAIT  
15 IN THE BEDROOM AND CLOSE THE DOOR, AND HE AGREED TO DO THAT.

16 Q SO THE LAST THING YOU SAW THE DEFENDANT DO WAS GO IN  
17 HIS BEDROOM AND CLOSE THE DOOR BEHIND HIM?

18 A THAT IS CORRECT.

19 Q LET'S JUMP BACK TO THE KNIFE FOR A SECOND. WAS THE  
20 DEFENDANT TELLING YOU THAT THIS IS THE KNIFE I USED?

21 A I'M NOT SURE IF HE WAS TELLING ME THAT OR NOT. THAT'S  
22 THE IMPRESSION THAT I GOT.

23 Q COULD HE HAVE BEEN -- I WASN'T THERE SO I'M ASKING  
24 YOU -- COULD HE HAVE BEEN JUST DEMONSTRATING WITH ANY KNIFE  
25 THAT HE GRABBED?

26 A QUITE POSSIBLY, YES.

27 Q LAST QUESTION, SIR. DID ANYONE THERE -- YOU, CRAIG,  
28 THIS DUNCAN FELLOW, THE DEFENDANT, ANYONE -- SAY THAT

1 DISTRICT ATTORNEY.

2 MR. KURTZMAN: IF I COULD HAVE ONE MOMENT WITH MY  
3 CLIENT, YOUR HONOR.

4 THE COURT: YES.

5 MR. KURTZMAN: NOTHING FURTHER. THANK YOU, YOUR  
6 HONOR.

7 THE COURT: REDIRECT?

8 REDIRECT EXAMINATION

9 Q (BY MR. DEMERTZIS) MR. CRAVEN, ON AUGUST 7TH LAST  
10 YEAR YOU TALKED TO AT LEAST ONE POLICE OFFICER AT THE SCENE  
11 AT JEFF'S APARTMENT?

12 A YES, SIR.

13 Q WOULD IT BE FAIR TO SAY THAT THE STATEMENT YOU GAVE  
14 THAT OFFICER WAS FAIRLY BRIEF?

15 A YES.

16 Q AND DID NOT CONTAIN A LOT OF THE DETAILS THAT YOU JUST  
17 GAVE US TODAY?

18 A NO. THAT WOULD BE CORRECT.

19 Q OR THE DETAILS THAT YOU RELATED IN THE CONVERSATION  
20 THAT WE HAD YESTERDAY?

21 A THAT WOULD ALSO BE CORRECT.

22 Q NOW, OBVIOUSLY I DIDN'T SUGGEST ANY TESTIMONY TO YOU,  
23 DID I?

24 A NO, NOT TO MY KNOWLEDGE.

25 Q THE QUESTION IS HOW COME YOU DIDN'T TELL THE POLICE  
26 THIS STUFF THAT NIGHT?

27 A WHY DIDN'T I TELL THE POLICE? I BELIEVE THEY GOT THE  
28 INFORMATION FROM DUNCAN AND FROM CRAIG AND FROM JEFF

1 HIMSELF. THEY DIDN'T ASK ME QUESTIONS ON -- OF ANY DETAIL,  
2 BECAUSE THEY ALREADY KNEW WHAT WAS GOING ON.

3 Q YOU RESPONDED TO THE QUESTIONS THAT THEY PUT TO YOU?

4 A CORRECT.

5 MR. DEMERTZIS: ALL RIGHT. FAIR ENOUGH. THANK  
6 YOU, SIR.

7 THE COURT: RECROSS?

8 RECROSS-EXAMINATION

9 Q (BY MR. KURTZMAN) YOU NO LONGER RESIDE AT THE JOHANNA  
10 ADDRESS; CORRECT?

11 A I NO LONGER RESIDE IN APARTMENT NUMBER 6.

12 Q YOU RESIDE ELSEWHERE IN THE COMPLEX?

13 A YES.

14 MR. KURTZMAN: NOTHING FURTHER. THANK YOU.

15 MR. DEMERTZIS: MAY I, YOUR HONOR?

16 FURTHER REDIRECT EXAMINATION

17 Q (BY MR. DEMERTZIS) MR. CRAVEN, I GOT TO ASK THIS  
18 QUESTION. DO YOU HAVE ANY AXE TO GRIND WITH THE DEFENDANT?

19 A NO.

20 Q DO YOU HAVE ANYTHING AGAINST THE GUY?

21 A NO.

22 MR. DEMERTZIS: ALL RIGHT. THANK YOU. THAT'S  
23 ALL, YOUR HONOR.

24 THE COURT: ANYTHING ELSE?

25 MR. KURTZMAN: NO, THANK YOU, YOUR HONOR.

26 THE COURT: IS HE EXCUSED?

27 MR. KURTZMAN: YES, YOUR HONOR.

28 MR. DEMERTZIS: YES.

1 MR. DEMERTZIS: THANK YOU.

2 YOUR HONOR, AT THIS TIME THE PEOPLE MOVE TO HAVE  
3 EXHIBIT 2 ADMITTED INTO EVIDENCE.

4 THE COURT: ANY OBJECTION?

5 MR. KURTZMAN: 352, YOUR HONOR. THIS WAS ONE OF  
6 THE TWO --

7 THE COURT: THE OBJECTION IS OVERRULED.

8 (WHEREUPON, PEOPLE'S EXHIBIT NUMBER 2, HAVING BEEN  
9 PREVIOUSLY MARKED FOR IDENTIFICATION, WAS RECEIVED IN  
10 EVIDENCE.)

11 Q (BY MR. DEMERTZIS) THIS IS THE PICTURE YOU JUST  
12 LOOKED AT THAT WE'RE PROJECTING ONTO THE SCREEN, PEOPLE'S 2;  
13 CORRECT?

14 A YES.

15 Q WHAT CAN YOU TELL US ABOUT MR. HANCOCK'S DEMEANOR AND  
16 HIS APPEARANCE?

17 A HE APPEARED TO BE UNDER THE INFLUENCE OF ALCOHOL.

18 Q WHY DO YOU SAY THAT?

19 A HE HAD A STRONG ODOR. HE APPEARED ALSO THAT HE HAD  
20 JUST BEEN IN AN ALTERCATION. HE HAD A BLACK EYE, BLACK AND  
21 BLUE EYE. HE HAD BLOOD ON HIM.

22 Q WHAT WAS HIS ATTITUDE LIKE?

23 A I'D SAY POOR AT BEST.

24 Q WHAT DO YOU MEAN BY POOR?

25 A JUST HIS DEMEANOR TOWARDS US. HE WASN'T OVERLY  
26 COOPERATIVE. HE WASN'T COOPERATIVE AT ALL IN THE SENSE THAT  
27 WHILE WE WERE ASKING HIM QUESTIONS, HE WASN'T GIVING US  
28 DIRECT ANSWERS.

1 Q SO I TAKE IT AT THE HOSPITAL YOU ASKED MR. DAVIS ONCE  
2 AGAIN WHAT HAPPENED TO HIM EARLIER THAT DAY?

3 A YES, I DID.

4 Q WHAT DID HE SAY THIS TIME?

5 A HE STARTED THE CONVERSATION OFF BY TELLING ME THAT HE  
6 DIDN'T WANT TO BE A RAT AND THAT HE DIDN'T WANT TO TELL ON  
7 ANYONE, HE DIDN'T WANT ANYONE ARRESTED, HE DIDN'T WANT TO  
8 GET ANYONE IN TROUBLE. HE THEN TOLD ME THAT -- NOT TO TELL  
9 JEFF THAT, WHAT HE WAS GOING TO TELL ME, AND THEN HE --

10 Q TOLD YOU THE STORY?

11 A TOLD ME THE STORY.

12 Q WHAT WAS THE GIST OF THE STORY?

13 A BASICALLY HE TOLD ME THAT JEFF WAS THE ONE THAT BEAT  
14 HIM UP, THAT IT WAS OVER AN ARGUMENT THAT HE HAD OUT THERE.  
15 JEFF WANTED HIM TO LEAVE, BUT HE NEEDED TO PICK UP SOME  
16 PAPERS, AND THAT JEFF BEAT HIM UP SEVERAL DIFFERENT TIMES.

17 Q DID MR. DAVIS SAY ANYTHING ONE WAY OR THE OTHER ABOUT  
18 WHETHER THE DEFENDANT STABBED HIM?

19 A HE TOLD ME THAT HE WAS BEATEN UP SO BAD THAT HE DIDN'T  
20 KNOW IF HE HAD BEEN STABBED.

21 Q SHOWING YOU WHAT'S BEEN MARKED AS PEOPLE'S 18, 19 FOR  
22 IDENTIFICATION --

23 MR. DEMERTZIS: THESE WERE PREVIOUSLY PROVIDED TO  
24 DEFENSE COUNSEL.

25 Q (BY MR. DEMERTZIS) PLEASE TAKE A LOOK AT THOSE TWO  
26 PHOTOGRAPHS AND DESCRIBE FOR US, OFFICER, WHAT'S DEPICTED  
27 THEREIN.

28 A 18 APPEARS TO BE A PUNCTURE WOUND, AND 19 APPEARS TO

1 A YES.

2 Q MR. DAVIS ALSO TOLD YOU THAT HE WAS SO BEAT UP THAT HE  
3 COULD NOT FIGHT BACK?

4 A THAT'S CORRECT.

5 Q NOW, DEFENSE COUNSEL JUST ASKED YOU IF MR. DAVIS'S  
6 INJURIES WERE CONSISTENT WITH SOMEONE BEING IN A FIGHT.  
7 WHAT'S YOUR UNDERSTANDING OF THE WORD "FIGHT"? WHAT'S A  
8 FIGHT?

9 A WELL, A FIGHT WOULD BE TWO INDIVIDUALS PARTICIPATING,  
10 VERSUS ONE WITH SOMEONE THAT'S NOT PARTICIPATING.

11 Q DO YOU THINK THAT THE DEFENDANT, MR. DAVIS, HAD A  
12 FIGHT?

13 MR. KURTZMAN: OBJECTION, SPECULATION.

14 THE COURT: SUSTAINED.

15 Q (BY MR. DEMERTZIS) AT BEST MR. DAVIS'S INJURIES MIGHT  
16 BE CONSISTENT WITH SOMEBODY WHO WAS REALLY ON THE LOSING END  
17 OF A FIGHT?

18 A YES.

19 Q LASTLY, IN TERMS OF WHAT MR. DAVIS TOLD YOU AT THE  
20 HOSPITAL, HE MENTIONED TO YOU THAT HE MAY HAVE, QUOTE,  
21 SOCKED THE DEFENDANT IN THE EYE ONCE?

22 A THAT'S CORRECT.

23 MR. DEMERTZIS: THAT'S ALL THE QUESTIONS I HAVE.  
24 THANK YOU, OFFICER.

25 THE COURT: RECROSS?

26 RECROSS-EXAMINATION

27 Q (BY MR. KURTZMAN) OFFICER, THAT'S WHAT MR. DAVIS  
28 SAID, I SOCKED -- I MAY HAVE SOCKED MR. HANCOCK IN THE EYE

1 Q SHORT-SLEEVED BLUE SHIRT?

2 A YES.

3 MR. DEMERTZIS: MAY THE RECORD REFLECT THE OFFICER  
4 HAS IDENTIFIED THE DEFENDANT?

5 THE COURT: YES.

6 Q (BY MR. DEMERTZIS) OFFICER, TELL US WHAT THE  
7 DEFENDANT'S APPEARANCE AND DEMEANOR WERE WHEN YOU FIRST  
8 CONTACTED HIM THAT DAY.

9 A HE APPEARED INTOXICATED. HE SMELLED STRONGLY OF  
10 ALCOHOL. HE WAS VERY DEFENSIVE.

11 Q WHAT DO YOU MEAN BY THAT? HOW WAS HE DEFENSIVE?

12 A HE USED PROFANITY AT US. HE SWORE AT US, WHY WE WERE  
13 IN HIS PAD.

14 Q THAT'S MORE OFFENSIVE, ISN'T IT?

15 A YEAH.

16 Q LET'S BACK UP A LITTLE AND SET THE SCENE. WHERE WERE  
17 YOU WHEN YOU FIRST SAW HIM?

18 A I WAS IN THE LIVING ROOM AREA.

19 Q OF APARTMENT 7?

20 A OF APARTMENT 7. AND HE WAS IN THE BACK BEDROOM.

21 Q HOW DID YOU FIRST BECOME AWARE OF HIM?

22 A WHEN I ARRIVED, FIRE AND PARAMEDIC PERSONNEL WAS  
23 ALREADY ON THE SCENE, AND P.S.O. KIM HEARD SOMETHING IN THE  
24 BACK ROOM.

25 Q "P.S.O." BEING "PUBLIC SAFETY OFFICER"?

26 A YES. KIRK KIM HEARD SOMETHING IN THE BACK BEDROOM, SO  
27 WE WANTED TO CLEAR THE APARTMENT TO MAKE SURE NO ONE ELSE  
28 WAS IN THE APARTMENT, AND THAT'S WHEN I HEARD THE DEFENDANT

1 A HE WAS PRETENDING NOT TO KNOW WHAT I WAS ASKING HIM.  
2 HE DIDN'T WANT TO ANSWER MY QUESTION.

3 Q WERE YOU SPEAKING ENGLISH WITH HIM?

4 A CORRECT. YES.

5 Q AND HE SEEMED TO UNDERSTAND WHAT YOU WERE SAYING?

6 A OH, HE UNDERSTOOD.

7 Q AND TO THE EXTENT THAT THERE WERE RESPONSES, YOU  
8 UNDERSTOOD WHAT HE WAS SAYING?

9 A YES.

10 Q AT ANY POINT IN THE BEDROOM DID THE DEFENDANT BECOME  
11 AGGRESSIVE WITH YOU OR ANYONE ELSE?

12 A YES.

13 Q WHAT HAPPENED?

14 A HE STOOD UP AND HE TOLD ME THAT HE WANTED TO KICK MY  
15 ASS. IMMEDIATELY P.S.O. KIM AND I HANDCUFFED HIM AND HAD  
16 HIM SIT BACK ON THE BED.

17 Q DID YOU OR OFFICER KIM OR ANYONE ELSE DO ANYTHING  
18 RIGHT BEFORE THAT THAT MAYBE -- YOU CAN'T GET INTO THE  
19 DEFENDANT'S HEAD, BUT MAYBE WOULD HAVE PROVOKED SOMEONE TO  
20 STAND UP AND SAY, "I WANT TO KICK YOUR ASS"?

21 A NO. WE WERE JUST ASKING WHAT HAPPENED TO HIM -- WHAT  
22 HAPPENED TO HIS FRIEND.

23 Q AT SOME POINT DID YOU TAKE THE DEFENDANT AWAY FROM  
24 APARTMENT 7?

25 A YES.

26 Q WHERE DID YOU TAKE HIM?

27 A I TOOK HIM TO SUNNYVALE D.P.S. JAIL.

28 Q WHY DID YOU TAKE HIM?